63
september 1960
general
and legal

european
broadcasting union

e.b.u. review

sound and television broadcasting news

THE E.B.U. REVIEW

which appears in separate English and French editions, consists of two parts:

Part A: Technical

published in February, April, June, August, October and December.

Part B: General and Legal

published in January, March, May, July, September and November.

Part A is published by the

Technical Centre of the E.B.U., 32, avenue Albert Lancaster, Brussels, Belgium.

Part B is published by the

Administrative Office of the E.B.U., 1, rue de Varembé, Geneva, Switzerland.

*

SALE AND SUBSCRIPTION TERMS

Part A : Single issue - 30 Belgian francs ; annual subscription - 150 Belgian francs (6 issues).

Part B : Single issue - 3 Swiss francs ; annual subscription - 15 Swiss francs (6 issues).

Parts A and B : Annual subscription to both parts (12 issues) - 300 Belgian francs or 27 Swiss francs.

These prices include postage by surface mail. A discount is allowed to recognised booksellers.

*

Subscription orders should be sent:

For **Part A:**

to the Technical Centre, Brussels, and paid into postal cheque account (CCP) No. 729.87 - UER, Centre Technique, Compte spécial, Brussels, or into the EBU account No. 560.743 at the Banque de la Société Générale de Belgique, Agence Vivier d'Oie, Brussels 18.

For **Part B:**

to the Administrative Office, Geneva, and paid into postal cheque account (CCP) No. I. 2969, Geneva, or into the EBU account at the Société de Banque Suisse, Geneva.

For **Parts A and B:** (combined subscription) to either the Technical Centre or the Administrative Office.

*

The reproduction of **articles** is permitted only with the prior consent of the Editor.

The reproduction of **news items** is permitted subject to acknowledgment to the number of the **EBU Review** in which they appeared.

The responsibility for signed articles rests solely with the authors.

E.B.U. REVIEW

PART B - GENERAL AND LEGAL

PUBLISHED BI-MONTHLY

by the

ADMINISTRATIVE OFFICE OF THE EUROPEAN BROADCASTING UNION

Editorial and Publishing Office : 1, rue de Varembé, Geneva (Switzerland)

Telex : 22 230 Telegrams : Uniradio Geneva Telephone : 33 74 60

No. 63 - September 1960 **PRICE : 3 Swiss francs**

CONTENTS

GENERAL SECTION

The New Charter for Broadcasting in Belgium, by Albert NAMUROIS 2

Radio and Boredom, by Henry BARRAUD 11

The Television Writer, by Donald WILSON 14

The International Standing Committee on Radio and Television of the International Council of Women, by Elizabeth LONG 19

Schools Programmes on Television, by Sir Gerald BARRY 22

Radio and Television Licence Fees — European Broadcasting Area 24

News and Information

Unesco, International Music Council, Germany (Federal Republic), Switzerland, United Kingdom 28

Book Reviews 29

LEGAL SECTION

The Norwegian Literary Copyright Bill, by Björg KRAGEM 30

News and Information

I.L.O.—Unesco—Berne Union, Germany (Federal Republic), Italy 33

Book Reviews 40

Editeur responsable: Ch. Gilliéron, 1, rue de Varembé, Geneva (Switzerland)

GENERAL SECTION

THE NEW CHARTER FOR BROADCASTING IN BELGIUM

by ALBERT NAMUROIS
Legal Adviser of the RTB

SYNOPSIS

I. Brief history of broadcasting in Belgium (1-7).

II. Basic principles of the Organic Act of 1960 (8-10).

III. Structural problems: A. The broadcasting institutes (11); B. The Common Services Institute (12); C. Allocation of wavelengths (13-14); D. Jurisdictional disputes (15).

IV. Organisational problems: A. The governing bodies (16-22); B. Organs of direction (23-25); C. The preparatory bodies (26); D. The advisory bodies (27-28); E. Supervisory and control bodies (29-31); F. Representation of the Institutes (32-33); G. Personnel, pay and allowances (34-36); H. Buildings and installations (37-38); I. Financial resources and budgets (39-40); J. Regulations on powers and responsibilities (41-42); K. Relief from taxation and fiscal status (43).

V. Broadcasting: A. News broadcasts and prohibitions (44-46); B. Government announcements (47); C. Broadcasts entrusted to associations or foundations (48); D. Commercial broadcasting (49).

VI. Final considerations (50).

I. BRIEF HISTORY OF BROADCASTING IN BELGIUM

1. It was shortly after the Berlin Conference (1906) which established the first general Convention on wireless telegraphy that Belgium passed its first Act respecting wireless telephony and telegraphy by electric radiations. This was the Act of 10th July 1908, and it laid the foundation stone of radiocommunications law in Belgium.

Experimental wireless broadcasts had been made even before 1914, but were suspended on the outbreak of the first World War. It was only in 1923 that a regular broadcasting service was provided by a private company "Radio-Belgique", and, some years later, by the "N.V. Radio" company. These two companies, broadcasting programmes in the French and Dutch languages respectively, derived their resources from advertising revenue and from voluntary contributions from listeners. They continued in operation until February 1931, at which date the Institut National Belge de Radiodiffusion (INR) took over their installations and began broadcasting.

2. The 1908 Act had come in for some criticism on account of the ambiguity of some of its provisions; moreover, it could no longer remain in step with the progress of radio, the new discoveries in that field and their new applications. The law on the subject needed overhauling, and this was done in the Act of 14th May 1930 which gave the Government a monopoly of radiocommunications and made the installation and operation of any apparatus for the transmission or reception of radiocommunications subject to authorisation by the Minister responsible for the telegraph and telephone service.

Pursuant to this Act, several private stations were licensed to operate a broadcasting service. Depending as they did on income from advertising, they had to go out of business at the beginning of the second World War. After that war no further licences were granted to private stations.

It would seem that the latter step was due to reasons of national defence in the years immediately following the second World War, and thereafter to the scarcity of wavelengths allotted to Belgium.

3. While engaged in the revision of the 1908 Act the Belgian Parliament set up a public corporation under the name of the *Institut National Belge de Radiodiffusion*, which was authorised to operate a service of broadcasting in Belgium. The relevant enactment is the Act of 18th June 1930.

This legislation followed hard upon the Prague Radio Conference of 1929, at which Belgium had secured two exclusive wavelengths and the use of a third common wavelength. It was important to occupy the wavelengths as soon as possible with sufficient power to discourage any other countries that might take a fancy to them.

For this reason, but also in consideration of the fact that broadcasting has a public mission to perform that is incompatible with a private business operation, the

Government took the view that the public authorities ought to take a hand in this powerful medium of communication. The three available wavelengths were allotted to the INR, which produced a *de facto* monopoly that Parliament has endeavoured to offset somewhat by requiring the institute to give air time to organisations, interest groups and individuals who have a message to put across, and by other means.

The INR was administered by a Board of Governors presided over by the Minister of Communications. The number of members of this Board, originally nine, was increased to sixteen, and the office was an appointive one until the coming into force of the new Charter. Ten members were appointed by the King, three by the Chamber of Representatives and three by the Senate. This Board was to set up from among its members a Permanent Committee in the nature of a planning body.

The INR was established for twelve years, and its resources were to come from gifts, legacies and possible loans, supplemented by State grants equal to 90 per cent. of the estimated proceeds from an annual fee levied on receiving sets. The grant was further to include an amount equal to the estimated revenue from a tax imposed by the State on the wholesale price of certain radio valves and other similar apparatus.

The Act of 18th June 1930 specified the nature of the programmes. Section 3 of the Act forbade all broadcasts that are contrary to law and order or are *contra bonos mores*, as well as all broadcasts which might outrage the convictions of others or constitute an offence to a foreign State. The regulations under the Act further provided that broadcasts were to respect each of the national languages equally and, interestingly enough, stipulated that there was to be a *journal parlé* or news service and that broadcasts of an educational character were to be organised.

One should also note the statutory injunction on the institute not to engage in any commercial or other advertising for gainful purposes over the air.

4. On 6th May 1940 the Minister of Communications gave the INR the statutory period of notice, the effect of which would be to put the institute out of business on 18th June 1942.

The invasion of the country set in operation the plans that had been prepared in the event of war. When the Brussels Government left for France, part of the INR staff was given regular notice and the remainder withdrew to France, where they continued broadcasting with makeshift apparatus and facilities until June 1940.

An order from the Head of the German Military Government in Belgium dated 31st July 1940 stripped the administrative organs of the INR of all their powers and transferred them to an administrative commissioner.

On the other hand, the Council of Ministers, in a legislative decree dated 13th October 1942, set up the *Office de Radio-Diffusion nationale belge*, with headquarters in London.

The duties of this office consisted principally of operating the 50 kW transmitter which the Government had purchased and installed in Léopoldville. The office was administered by a Board of Directors appointed by the Government and derived all its income from State subsidies. It was essentially of a temporary war-time nature and the Government could make its operations subject to any rules it might consider necessary.

When the country was liberated, there was bound to arise the problem of the co-existence of two broadcasting authorities each in the nature of a public utility, namely the INR and the Office de RNB, because it could be argued that despite the notice that had been served upon it the INR was still legally in existence, since the two-year period of grace which Parliament had ordained for its liquidation had in fact been denied it on account of the requisitioning by the occupying authorities. It would theoretically be possible, so this argument ran, for INR to carry on as before.

If the notice given on 6th May 1940 implied an intention on the part of the Government to overhaul the charter of the INR, such an overhaul could be undertaken only by Parliament.

At that time it seemed that the solution lay in temporarily confirming the mission of the Office de RNB. To that end it was necessary to amend the constitution of the office to adapt it to the new circumstances it would have to meet when operating from Belgian soil.

It was also important to give formal authority for it to use *pro tempore* INR's installations and facilities, and to require it to take over any obligations the INR might have towards its staff.

This, then, was the substance of the legislative decree of 5th September 1944 respecting the provisional status of broadcasting in liberated territory.

Another legislative decree of 14th September 1945, however, put an end to the existence of the Office de RNB; the Government considered that the justification for its existence no longer subsisted and that it was consequently expedient to confirm the basic statute of the INR and adapt it to its new duties until such time as a new charter for broadcasting could be put into force.

5. Several of the Governments which held power successively since 1945 and a number of members of Parliament took steps towards this end. Six Government and private members' Bills were tabled, the salient feature of which was the pains they took to recognise the cultural duality of the country.

None of them, however, reached the floor of the Chamber until the action taken by the Government formed at the end of 1958.

This Government contained for the first time a Minister for Cultural Affairs who was given three immediate tasks to perform, viz. to work out the fundamentals of a new scientific policy, to set up new sound broadcasting and television authorities, and to establish Cultural Councils.

Meanwhile it was provided in the Act of 2nd January 1959 that henceforward the King would designate the Minister to hold the chairmanship of the INR Board of Governors and the powers of supervision and control over the institute. The Act of 1930 vested this office and these powers in the Minister of Communications, and from now onwards they would fall to the Minister for Cultural Affairs, pursuant to the Royal Ordinance of 3rd January 1959.

On 27th October 1959 the Government tabled an Organic Bill respecting the *Instituts de la Radiodiffusion-Télévision belge*, at the instance of the Minister for Cultural Affairs, Professor Pierre Harmel. This Bill, after discussion and some amendment in the Senate on 11th, 16th and 17th February 1960, was transmitted to the Chamber of Representatives which passed it unchanged on 12th May 1960, after debating it on 4th, 10th and 12th May. After receiving the Royal Assent and being promulgated by the King, the Organic Act respecting the Instituts de la Radiodiffusion-Télévision belge of 18th May 1960 was published in the Belgian official gazette, the *Moniteur belge*, No. 122 of 21st May.

6. The incorporating Act of 1930, followed by that of 1960, authorised the INR and now authorises the institutes of the RTB to organise a broadcasting service which includes television programmes as well as sound broadcasting transmissions.

The problem of television claimed the attention of the Belgian authorities and of Belgian public opinion at an early date. After the high-ranking experts had tried and failed to get the signatory countries of the Brussels Treaty (the Five-Power Pact) to adopt a common definition for broadcasts of television programmes, Belgium was divided into two main groups, the supporters of the 819-line definition and those in favour of the 625-line standard.

Finally a compromise solution was hit upon, whereby broadcasting would take place on both definitions, the 819-line for the French-speaking programmes and the 625-line for the Flemish programmes.

This programme was finalised by March 1952, and in June 1952 the Stockholm Conference proceeded to make the final allocation of broadcasting channels.

In September of that year it was announced that Belgium would begin its programmes as soon as possible, and the INR was given instructions to prepare them. The first programmes went on the air on 31st October 1953. Since that time, the INR has steadily increased its air time from 18 hours per week in each of the national languages at the beginning to something like 35 hours a week in the two languages.

It is not difficult to see that, having some 70 hours a week of programme time to fill and possessing limited cultural and artistic, as well as financial, resources, the Belgian television service endeavours to do everything it can to further the international interchange of programmes.

7. This brief retrospective of broadcasting in Belgium would be incomplete without some mention of the law and regulations on the fees payable on radio and television receiving sets.

While in the process of revising the general radiocommunication set-up (by the Act of 14th May 1930) and establishing the Institut National Belge de Radiodiffusion (by the Act of 18th June 1930), Parliament established by an enactment of 20th June 1930 a fee payable by the holders of broadcast receiving sets. This fee was originally 60 Belgian francs (reduced to 20 Belgian francs for users of crystal sets) but was increased to 144 francs in 1947 (by the Act of 24th June 1947).

The Act of 24th December 1957 kept it at this figure, at least for sound radio sets, while a special fee of 840 francs was levied on the possessors of television receiving sets. These same amounts were carried over into the Act of 26th January 1960; the latter Act repeals that of 1957 and differs from it in that it provides for a single combined licence fee of 900 francs for the simultaneous possession of sound radio and television sets by the same person; it further sets up stricter methods of supervision by requiring builders, sellers and repairers of sets to declare the sale of whole sets or parts of sets to the designated authority.

This is not the place to examine the arrangements for the establishment and collection of these fees. It should, however, be noted that under the new enactment it is no longer required to obtain a licence to possess receiving sets, and it is now only compulsory to pay the fee before acquiring one. It should also be mentioned that there are special provisions on the wire diffusion of broadcasting programmes and on the public exhibition of television broadcasts.

II. BASIC PRINCIPLES OF THE ORGANIC ACT OF 1960

8. The essential principle underlying the Act is to ensure the fullest possible cultural autonomy in the field of broadcasting. Separate boards were created and separate powers vested in two independent bodies, one for the French-language and the other for the Dutch-language broadcasting services. It was hardly possible to imagine these boards operating and these powers being exercised otherwise than in the context of two different corporations, each possessing legal personality, and each having its own budget and its own staff. A number of services, however, had to be administered in common, and so a third body of a mainly technical and administrative character was set up and likewise established as a corporate entity.

On the other hand, it was considered that sound radio and television constituted and would continue to constitute complementary media which it was out of the question to dissociate and which should support one another in the same organisation. We thus have a concentration of facilities accompanied by decentralisa-

tion in the cultural sphere, and in this connection it was asserted that complete respect for the cultural duality represented the most important factor in Belgian unity.

9. As it was important to make the best use of the few wavelengths and channels allotted to Belgium, the obvious course was to preserve the status of the broadcasting service as an independent public corporation performing activities in the public interest.

This *de facto* monopoly is, however, somewhat offset by the fact that certain broadcasts are entrusted to associations or foundations recognised for that purpose.

10. The organisation of broadcasting as a decentralised public service necessitated certain safeguards which are afforded by the manner in which the Boards of Governors of the public corporations are appointed, by the duty laid upon them to ensure impartiality in the news, and by supervision on the part of the Government, which, however, cannot censor the news.

III. STRUCTURAL PROBLEMS

A. The Broadcasting Institutes

11. The two main pillars on which the fabric of broadcasting rests are a French-language broadcasting institute and an institute broadcasting in Dutch, each of which operate under the authority of a board of governors. These two public corporations with legal personality are known as the *Radio-Télévision belge — Emissions françaises* and the *Belgische Radio en Televisie — Nederlandse uitzendingen.*

Each organisation plans its own broadcasting programmes and determines how, when and where they are to be put on the air; in particular, each is responsible for its own news reporting service. In addition, they each prepare, adopt and administer their own budgets.

B. The Common Services Institute

12. It was self-evident that certain essential broadcasting facilities were bound to remain common to both broadcasting institutes, if only for reasons of sound financial management. For this purpose a third public corporation was formed out of an association of the two broadcasting institutes. This body, which also possesses legal personality, is known as the *Radio-Télévision belge — Institut des services communs.*

This institute is responsible for administering the technical services as well as the administrative and financial instrumentalities common to the programmes in the French and Dutch languages. It also runs various joint cultural services such as the symphony orchestra, the record library and the central reference library. Lastly, it is responsible for broadcasting in German and for the overseas broadcasting service.

This common services institute owns, freehold or otherwise, the premises and technical equipment used by all three corporations, and it makes available to the broadcasting institutes the technical staff, buildings and technical equipment of which they stand in need.

C. Allocation of Wavelengths

13. The law provides that the King shall allot to the three institutes the wavelengths they require to perform their appointed tasks.

The present position regarding the allocation of frequencies to Belgium may be summarised as follows:

(a) long waves: no frequency.

(b) medium waves (approx. 570 to 185 metres): Under the Copenhagen agreements Belgium was given the use, as from 15th March 1950, of four wavelengths which are employed respectively to broadcast the French and Flemish national and regional programmes. Besides these, an " international common wavelength " is used for relaying the regional programmes, despite its rather poor quality.

(c) short waves (approx. 50 to 11 metres). No wavelength allocation plan exists at the present moment. In any event, short-wave transmission is not suitable for the home service.

(d) ultra short waves (wavelengths between about 7.50 and 0.30 metres). The frequencies available for both sound and visual broadcasting are divided into 5 bands. The Stockholm agreements established a plan for the distribution of wavelengths in Bands I, II and III only as between the various countries in the European region.

Bands I and III (wavelengths in the order of 6 and 1.50 metres respectively) are earmarked for television broadcasting. Belgium has access to channels 2 and 3 in Band I and channels 8 and 10 in Band III, which are used by the television transmitters situated respectively at Ruiselede, Liège and Wavre-Overijse (the latter with two transmitters), to mention only the main ones. In addition, Belgium has secured permission to put a television transmitter into service in the Neufchâteau area which will operate on Channel 11, in the prolongation of Band III.

Band II is reserved for sound broadcasts transmitted via the frequency modulation (FM) system, and Belgium has 24 wavelengths in this band.

Plans are already in hand to broadcast first the regional and later the national programmes also on these Band II wavelengths. The use of these frequencies will also permit of the broadcasting of additional programmes of the " Third Programme " type.

To date there have been no international Conventions on the allocation and use of wavelengths in Bands IV and V. In any case, these are earmarked mainly for colour television, and standards for colour television have not yet been fixed on the international level.

14. In this connection it may be observed that the Organic Act on the institutes of the RTB does not settle the problem of the private stations. These continue to be governed by the Act of 14th May 1930, whereby no

person may install, use or operate radiocommunication transmitting apparatus without a licence from the Minister of Communications.

The Act nevertheless has repercussions on the use of private stations, because the King, with whom it rests to place the necessary frequencies at the disposal of the institutes of the RTB, may eliminate the private stations entirely by giving the institutes all the available frequencies, thus granting the public service a monopoly of broadcasting.

In any event, the position is that all the medium-band sound broadcasting frequencies and all the television frequencies now available to Belgium will be allotted to the institutes of the RTB, as they were to the INR.

D. Jurisdictional Disputes

15. The existence of three independent institutes may easily lead to jurisdictional disputes, and accordingly the Act gives to the Minister under whose authority the institutes of the RTB are placed—in this case the Minister for Cultural Affairs (Royal Ordinance of 1st June 1960)—power to settle any difference that may arise between them.

Any decisions by the Minister on this subject must be taken after consulting the General Council of the common services institute.

Such decisions will of course remain subject to the overriding supervision of the Council of State (the highest administrative tribunal) and the powers thus vested in the Minister will be without prejudice to the jurisdiction of the Council of State and of the various courts and tribunals of the judiciary.

IV. ORGANISATIONAL PROBLEMS

A. The Governing Bodies

16. Both the broadcasting institutes are under the authority of a *Board of Governors*, while the common services institute is governed by a *General Council*.

17. The composition of these governing bodies is designed to place the two linguistic communities on an equal footing in the management of jointly used services by giving them parity of representation on the General Council. Thus this Council is composed by juxtaposing the two Boards of Governors; since each has a membership of ten, there will be 20 members of the General Council.

18. Eligibility conditions for membership of a Board of Governors are briefly as follows: the nominee must be of Belgian nationality (by birth or by minor or major naturalisation), must be in possession of his civil and political rights, must be domiciled in Belgium and must be under the age of 65. It will be noticed that there is no lower age-limit; it was felt that it might be a good thing to have some younger people on the Boards who were more familiar with the requirements of the rising generation.

The Act prescribes certain incompatibilities. Membership of a Board is incompatible with parliamentary or senate office or with permanent employment in one of the institutes. Moreover, no one may be a member of both Boards.

19. Under the procedure for appointing and co-opting members of the Boards, it is provided that eight members will be appointed in turn by the Senate and the Chamber of Representatives, while two members will be co-opted by the eight. Deputy members are to be appointed in the same manner. Members are selected from a panel of candidates drawn up by the Provincial Councils, the Royal Academies of Science, Letters and the Fine Arts, Medicine, Language and Literature, by the Universities and by the Central Adult Education Council.

The Government took the view that the system of appointment by the Houses of the legislature provided the best safeguards of objectivity and enabled the governing bodies to be made fully representative, since under this system the political parties, whether in power or in opposition, can ensure the election of a number of candidates in proportion to the number of seats they hold in Parliament.

Furthermore, this mode of appointment seems likely to make for considerable stability in the ideological composition of the Boards of Governors, as the general elections normally produce only a minor shift in the representation of the various tendencies. This stability, the Government has said, will tend largely to minimise the influence of the political party in power on the institutes, since their composition will be independent of governmental fluctuations.

It should be added that the system of appointment adopted, based on proportional representation, was fought by the Opposition, which showed a preference for the system under the Act of 1930, whereby the King, the Chamber of Representatives and the Senate each appointed three members of the Board of Governors, a fact which led to an agreement between the parties to give them equal representation on the Board.

20. The term of office has been so fixed as to enable the institutes to carry on their work with adequate vigour, through a system of partial re-elections that are both sufficiently frequent and sufficiently far apart to reconcile the needs of change and of continuity.

The term of office is six years, and members may be re-elected only once for a further period of six years.

21. Under the principle of cultural autonomy running through the Act, each Board of Governors will elect a chairman and two vice-chairmen from among its members by separate secret ballots and by a majority of votes cast for and against. These officers are elected for six years and may be re-elected.

The chairmanship and vice-chairmanship of the General Council is occupied in turn by the chairmen

of the Boards of Governors, year and year about. It may be mentioned that the Minister under whom the institutes are placed—in present circumstances the Minister for Cultural Affairs—may attend and take part in meetings of the Boards of Governors and the General Council if he so desires.

22. Decisions of the Boards of Governors are taken by an absolute majority of votes cast for or against; if no decision can be reached, the issue may under certain circumstances be referred to the General Council for decision. This reference-forward procedure is not, however, permissible for the election of the chairmen or vice-chairmen or for co-options, in which cases a plurality of votes is sufficient on the second ballot.

The decisions of the General Council are also taken by an absolute majority of votes cast, but the chairman has a casting vote in the event of a tied decision.

B. Organs of Direction

23. The law entrusts the direction of each of the broadcasting institutes to a director-general, assisted by two programme directors respectively in charge of the sound broadcasting and the television services. These top executives are appointed by the King, the Board of Governors being asked for a motivated opinion.

24. The question of the direction of the common services institute was highly complex; the way in which it has been settled by the legislature leaves room to fear the dispersion of responsibility.

Two directors-general are respectively in charge of the technical services on the one hand and of the administrative and financial services on the other.

However, the joint cultural services—the overseas broadcasts and the German-language programmes, which are a normal extension of the activity of the broadcasting institutes—are run by a collegiate body composed of the chairman of the General Council and the two directors of the broadcasting institutes.

The coordination of the activity of the cultural services with that of the technical and administrative services is in the hands of a second collegiate body made up of the chairman of the General Council and the four directors-general.

25. It should be noted that the directors-general and the two collegiate bodies have the task of implementing, in their own fields, the decisions of the Boards.

The preponderant share allotted to the chairman of the General Council in the direction of the common services institute will be noted.

C. The Preparatory Bodies

26. Under the system set up by the 1930 Act a fruitful co-operation grew up between the Board of Governors and the operational departments through the medium of a *Permanent Committee* which prepared items for discussion and ensured the presence of major currents of opinion in the preparation of documentation.

The 1960 Act also adopted this procedure by creating a permanent committee for each of the Boards of Governors of the broadcasting institutes, composed of the chairman and vice-chairmen of the institute, the director-general and the programme directors, the latter three acting in an advisory capacity.

D. The Advisory Bodies

27. It is provided that the King may set up advisory committees either for specific purposes or to deal with questions of a general or local nature.

The members of these committees are chosen by the Minister responsible from a double panel submitted by the Boards in question. The opinion and advice of the committees may be sought either by the Minister or by the boards.

28. It should also be noted that matters relating to the situation of institute staff members must go through the joint consultation machinery, under a procedure established for the public service (Royal Ordinance of 20th June 1955 respecting the trade union affiliations of employees of the public services).

E. Supervisory and Control Bodies

29. Generally speaking the institutes of the RTB have been brought within the purview of the Act of 16th March 1954 respecting the supervision of certain public agencies. In addition to strict provisions concerning the recruitment of staff, contracts for labour or supplies, and budgeting, the Act makes provision for previous "vetting" by a Government Commissioner and a delegate of the Minister of Finance, which may be followed by a Ministerial veto on the decisions of the Boards, and for supervision *a posteriori* by auditors and by the *Cour des Comptes* (the equivalent of a Central Auditing Office).

It may well be thought that all these supervisory measures on top of one another constitute a serious handicap in the running of a broadcasting service, particularly in the technical field.

30. The tutelage of the Executive is apparent in a variety of other provisions in the Act on the institutes of the RTB. Thus, disputes between the institutes are settled by the competent Minister, the Minister may participate if he so desires in meetings of the Boards, the directors-general and the programme directors are appointed by the Crown, and so forth. It may further be mentioned that the administrative rules of the institutes must be approved by the King, that the King has the power of determining the staff regulations, of regulating pay, allowances and pensions, of authorising the institutes to receive donations and legacies, to raise loans, to acquire or dispose of real estate or to encumber properties with rights *in rem* (e.g. mortgages). Again, it is the King who lays down general rules whereby the institutes may delegate responsibility for broadcasts to duly recognised associations or foundations. The advisory com-

mittees are set up by the King and their members are chosen by the competent Minister, who may consult them directly. To end this long list, it should be pointed out that the institutes are required to give the Government, free of charge, ten hours of broadcasting time per month on each of the frequencies available to them.

31. It must in all fairness be said, however, that the foregoing are mostly administrative measures, and that as regards news broadcasts the legislature has specifically forbidden any prior censorship by the Government, which also has no say in the appointment of members of the Boards of Governors.

F. Representation of the Institutes

32. In judicial and extra-judicial acts and proceedings, it will be noted, the broadcasting institutes are represented by their respective directors-general, while the common services institute is similarly represented by the chairman of its General Council.

33. On the subject of international relations, it would appear from the parliamentary debates that Parliament intended to make international representation the duty of the common services institute.

In keeping with this view the Act provides that the General Council of that institute shall designate the representatives of the three institutes in international broadcasting or other organisations.

It is accordingly inferred that Parliament empowered the common services institute to become a member of such organisations.

When it is recalled that under the Act this institute is constituted of an association of the two broadcasting institutes, this fact may be seen as confirmation of the above inference and at the same time as a safeguard for the broadcasting institutes that their spokesmen will have a hearing in international broadcasting circles.

G. Personnel, pay and allowances

34. The power to determine the establishments and the conditions of employment of the staff vests in the Crown, and accordingly the ties between the institutes and their employees are a matter of public law. The staff's career prospects are fixed unilaterally by authority, though it is compulsory to consult the trade unions first.

The appointment of staff, with the exception of the directors-general and the programme directors, is a matter for the Board of the institute to which they are attached for administrative purposes. In this connection the King, when laying down the staff regulations, must specify the conditions on which cultural, administrative and artistic staff may be transferred from a broadcasting institute to the common services institute, and *vice versa*.

35. It is again a matter for the Crown to decide the amount of the honorariums which may be granted to the chairmen, vice-chairmen and members of the Boards, and to determine the pay, allowances and pensions for members of the staff.

36. It is enacted that members of the INR staff be transferred to the institutes of the RTB, which shall inherit any obligations towards them contracted by the INR. It is a pity that the legislature should have used here an everyday expression which does not reflect the true situation in law, for, as mentioned above, the relations between the employees and the institutes to which they belong are not governed by the law of contract.

H. Buildings and Installations

37. The buildings and technical equipment used by all three institutes are owned (freehold or otherwise) by the common services institute. This institute may possess property situated outside the Kingdom of Belgium with the permission of the competent Minister —at present the Minister for Cultural Affairs.

Another clause in the Act states that this institute may be authorised by the King to purchase or dispose of real estate or to encumber it with rights *in rem*.

There would seem to be a discrepancy between these two provisions, unless it is taken that the first refers only to existing premises carried among the assets of the INR. The question arises whether the Minister's authorisation will suffice to acquire property outside the kingdom, when the third provision necessitates the King's consent for any acquisitions of property generally.

38. Lastly, it may be noted that the powers vested in the King to distribute the assets (and the liabilities) of the INR between the three institutes do not extend to premises and technical equipment, which must by law fall into the possession of the common services institute.

I. Financial Resources and Budgets

39. The Act provides that an annual grant shall be included in the State budget for each of the institutes of the RTB.

In addition the institutes may, with Royal permission, accept gifts and legacies and may raise loans.

In this connection it has been argued that the two broadcasting institutes, as vehicles for the dissemination of culture, should enjoy the same resources, which does not necessarily mean that they should have the same appropriations.

40. In regard to their budgets, each of the institutes prepares a draft budget which is finalised by the competent Board. The budget must be approved by the Minister for Cultural Affairs, transmitted to the Minister for Finance and then communicated to the Chamber and Senate as an annex to the proposed budget for the Ministry of Cultural Affairs.

Through its Budget Committee the Government sees to it that the institutes trim their expenditure where such expenditure would be liable to jeopardise the financial policy of the State.

As each institute has its own separate budget, there is no risk of confusion between the expenditure which

may be incurred by them. In addition, it can be assumed that special cases (e.g. line costs for a common relay) can be dealt with by agreement between the three institutes. These are cases which can be solved by the co-ordinating permanent body mentioned above.

J. Regulations on Powers and Responsibilities

41. Each of the institutes of the RTB is to lay down in its regulations (which will be submitted for Royal approval) the manner in which it is to discharge its allotted responsibilities. In these regulations the common services institute is further to specify the duties of the two directors-general attached to this institute, and of the two collegiate bodies provided for by law to put the decisions of the General Council into effect.

42. An interesting point is that the regulations are required to state within what limits and in what manner the Boards of the three institutes may delegate certain of their responsibilities to their Permanent Committees, to the collegiate bodies, to the directors-general and to other members of the staff of the institutes.

This is a very important problem, bound up with administrative decentralisation, and its importance is due to the number and the complexity of the decisions which the governing bodies are required to take.

Belgian jurisprudence and the practice of the courts do not usually permit an authority to re-delegate the powers entrusted to it by law unless this was the intention of the legislature.

It will be seen that in the case of the Boards of the institutes of the RTB, the legislature expressed such an intention by implication, and there can be no doubt that if properly applied this provision will make for flexibility in administration which will be all the more necessary in view of the large number of organs established under the statute.

K. Relief from Taxation and Fiscal Status

43. The institutes of the RTB are likened to the State for the purposes of laws and regulations concerning direct State taxes and the taxes or duties imposed by the provinces and municipalities.

They are further exempted from taxation on " radiophonic " transmitting and receiving installations. In this collection, it must be assumed that Parliament was referring to broadcasting installations, which of course include equipment for television as well as radio telephony (i.e. sound broadcasting).

V. BROADCASTING

Like the 1930 Act, the new statute concerns itself with certain aspects of the programmes.

A. News Broadcasts and Prohibitions in the Programmes

44. The Act prescribes that " news broadcasts shall be given in a spirit of strict objectivity and without any prior censorship ". It is for the directors-general of the broadcasting institutes and the collegiate body in charge of overseas and German-language broadcasting to see that this provision is complied with.

Government interference is thus ruled out in the case of news broadcasting, and the Minister cannot forbid the transmission of a piece of information. On the other hand it is obvious that if it is established that a news bulletin was broadcast in defiance of the provision mentioned below, the Minister can have recourse to disciplinary action, without prejudice to a prosecution under the criminal law in the case of broadcasts of an obscene or immoral nature.

45. The provision in question forbids the institutes to schedule broadcasts that are against the law or contrary to the public interest, inimical to the public peace or to public morality, or that constitute an outrage to the convictions of others or an offence to a foreign State.

With regard to " programme " broadcasts, which must necessarily be passed by the Boards of the institutes before going on the air, the Minister possesses an indirect right of prior intervention in broadcasts which he considers to come within the above categories.

46. The Government Bill provided that on the subject of news the directors-general could seek the assistance of committees of professional journalists, whose function would be to advise on the expediency or otherwise of a given broadcast. Objections were raised and this scheme was discarded.

The idea of the directors having recourse to the opinion of journalists was, however, retained as regards the moral suitability of certain programmes, especially in the case of motion pictures. Thus the Act authorises the directors-general of the institutes and the body in charge of certain broadcasts in the common services institute to elicit the opinion of an advisory committee of eight members appointed by the General Council in forming a judgment on moral issues.

Questions of morality of course remain the responsibility of the Boards of Governors and the Government supervisory bodies; similarly, the committee's advice leaves intact the power of the courts to pronounce on the morality or immorality of a broadcast show.

B. Government Announcements

47. The institutes are required to broadcast free of charge, for up to ten hours per month on each of the frequencies allotted to them, announcements communicated to them by the responsible Minister—at the present time the Minister for Cultural Affairs.

In the interests of objectivity, such announcements must be preceded and followed by a statement that they emanate from the Government.

C. Broadcasts Entrusted to Associations or Foundations

48. As stated above, the frequencies allotted to Belgium for broadcasting purposes, being very limited in number, had all been given to the INR and will probably all be allocated to the institutes of the RTB. This creates a *de facto* monopoly in a vital area of that freedom of speech which is one of the fundamental principles of the Constitution.

It is arguable that it was largely to obviate this inconvenience that Parliament empowered the institutes of the RTB to " farm out " radio and television broadcasts to associations or foundations duly accredited for the purpose. It was also to contribute to some extent to greater diversity in the programmes. General rules under which such co-operation may be permitted are to be framed by the Government after consulting the Boards.

Parliament had already made a pressing invitation to the INR to call upon organisations, societies or public figures who had an interesting message to put across. Such co-operation, which was on a large scale before the second World War, has been less in evidence of late.

At the present time, religious and philosophic broadcasts are sponsored by the following associations:

Radio-Télévision religieuse catholique (The Religious Half-Hour).

Godsdienstige katholieke uitzendingen (Catholic broadcasts).

Association protestante pour la Radio et la Télévision (Protestant broadcasts).

Federatie van Protestante kerken in Belgie (Protestant broadcasts)

Consistoire israélite (Jewish broadcasts).

Centraal Israëlitisch Consistorium van Belgie (Jewish broadcasts).

Fondation Magnette-Engels-Hiernaux (Thought and Mankind).

Humanistisch Verbond (secular ethics and philosophy).

Cultural and educational broadcasts are also produced under the auspices of the following associations:

Centre chrétien de télévision (Christians in Society).

Katholieke Televisie en Radio Centrum (Catholic Thought and Action).

Centre de diffusion de la pensée libérale (The Voice of Liberalism).

Stichting Arthur Vanderpoorten (Liberal Thought and Action).

Institut Emile Vandervelde (Socialist Thought).

Instituut Emile Vandervelde (Socialist Thought and Action).

Besides these, the INR entrusted various radio forum programmes either to committees it had set up itself (farm forum, broadcasting for schools) or to representatives of associations and institutions (e.g. the political forum, the trade union forum, the middle-class forum, and the Belgian writers' forum).

One can be certain that this tradition will be maintained and that the RTB, despite the *de facto* monopoly granted to it, will make a point of seeing that major currents of opinion are well represented on the air.

D. Commercial Broadcasting

49. There was a body of opinion which favoured commercial broadcasting, mainly on television, and some people would have liked the empty intervals between two programmes to be made available to private enterprise for brief advertising " spots ". They adduced economic and financial arguments, claiming that the new resources thus forthcoming would make it possible to improve the quality of the programmes.

The Government, on the other hand, held that the problem of commercial broadcasting did not seem to be amenable to solution at the present stage either in an absolutely affirmative or in an absolutely negative manner.

This opinion commended itself to Parliament, which prohibited the RTB from producing broadcasts of a commercial or advertising character and from publishing any publications other than broadcasting programmes.

VI. FINAL CONSIDERATIONS

50. It would be premature to venture a judgment on the new charter which has just been bestowed on Belgian broadcasting.

Undoubtedly we have here a most complex piece of machinery, whose complications stem from the desire to incarnate the principle of cultural autonomy—a notion much cherished in certain quarters—both in law and in practice by setting up two separate broadcasting institutes. The difficulties arise from the fact that this principle has not been taken to its logical conclusion by equipping each institute with technical facilities and an administrative apparatus of its own. It was realised, however, that while this was the ideal solution and would make everything ship-shape, it would also cost a great deal more money. The idea was accordingly discarded for a third institute which represents a kind of service and supply company for the two broadcasting institutes.

It must also be noted that the Executive's powers of oversight and control over the broadcasting service have been considerably tightened up. This situation is not the result of the new Act alone: it exists since 1954, pursuant to the Act of 16th March 1954 on the control of quasi-Government agencies.

On the other hand, when it is remembered that henceforward members of the governing bodies will be appointed by Parliament, that the supervising Minister no longer presides over these bodies as under the 1930 Act, and—last but not least—that prior censorship of news is forbidden, it must be admitted that the new charter for broadcasting gives the institutes of the RTB a definite measure of independence from the reins of Government.

RADIO AND BOREDOM

by HENRY BARRAUD

Director of the RTF National Programme (France III)

Mr. HENRY BARRAUD

(Photo Joyeux)

When a member of the staff of *Le Temps*, the great pre-war French newspaper, left a trace of frivolity one day in an article he had written, he was taken to task by his editor in these terms: "*Le Temps* is a boring paper... be boring." Strictly speaking, the epithet used by the editor in question was an even stronger one.

Which goes to show that as far as the Press is concerned, there may be commercial value in boredom. If *Le Temps* had lost a little of its austerity, it would have lost some of its readers without gaining any new ones in their place.

Can this law be applied to radio? At first sight, there does not seem to be anything against it. It appears, however, that even the broadcasting services with two or more stations often hesitate to be so deliberate in their choice of a specific category of audience. Either because the notion still persists that the number of listeners is an indication of success; or because the very existence of this audience is in doubt, in the absence of a means of checking comparable to the circulation figures of a newspaper; or again because the ear is given less credit than the eye for attracting and holding the attention of the public within the meshes of the invisible net that radio casts over the whole of its territory without the satisfaction of ever knowing the exact results of its catch.

And certainly, as far as this last point is concerned, it is easy to see that a television service such as the French one, although it has only one station so far, can afford a percentage of serious programmes, whether they be literary, artistic or scientific, such as no sound broadcasting service could achieve with only one single programme to satisfy the needs of millions of listeners of all types.

The problem does not arise for the French sound broadcasting service because it transmits four separate, highly specialised programmes. But even so, anyone in charge of an exclusively cultural programme must take into consideration the fact that the seriousness of his tone may at any moment be cast up against him as a sign of his ineffectuality.

Should he take this into account by restricting the choice of subjects suitable for broadcasting? Or by lowering the level at which he decides to handle them? Both of these questions will be answered in the negative. The first, because a state broadcasting service financed by its listeners cannot ignore any contemporary problem; the second, because the question contains within it the germ of a policy of superficial popularisation, tending to reserve the transmitter for second-rate figures specialising in this admittedly estimable technique. Broadcasting has a higher mission than the mere acceptance of this facile solution.

It is orientated, and as it were defined, by the new possibility for direct, personal and human contact between two worlds hitherto ignorant of each other—that of the artist, philosopher, savant and creative genius, and that of the crowd.

But is this not a figment of the mind rather than a tangible reality? Savants, artists and creative geniuses live in a vacuum and communicate by means of secret signs, forbidding terminology, and habits of thought, method and reasoning that presuppose initiation. Can one ask them to invent means of communicating with others which they have never felt the need of? Most of them would be incapable.

They would have to be educated up to it by applying to them a form of maieutics different in principle from that practised by Socrates and his disciples, but similar in technique.

Socrates undertook to extract from the interlocutor ideas which had not been there in the first place but which he created by means of his dialectics, whereas in the present case the problem is to deliver illustrious and

complex thoughts from a primitive means of expression. The transition can only be made through an intermediary, and an intermediary who is well armed with a sound knowledge of the subjects dealt with, a perfect command of the language used and, above all, a fertile imagination.

The foregoing implies in principle the exclusion from the transmitter of the so-called "conference style". You may say that the RTF National Programme allows some exceptions to this rule, and that is exact. These exceptions, however, are grouped at certain hours of the day when it is known that the audience to which the programme is addressed is the same type as that which formed the readership of the paper *Le Temps* before the war. *L'Heure de Culture Française* is heard on this programme at 8 a.m. and the talks in the series *International University of the Air* are broadcast at the same time on Saturday.

Even in these programmes the length has been cut to approximately ten minutes in deference to the realities and obligations of broadcasting. But the use of serious subjects cannot simply depend on the times of day when audiences are small. The peak listening hours are not closed to any broadcast because of the threat of austerity implicit in the theme.

The difference lies in the techniques. Once the lecture has been excluded the simplest formula is the conversation. I say conversation advisedly, and not interview. The aim is not to gather from the lips of a savant, writer or artist a few snatches of a lecture interspersed with respectful murmurs of approval. What is wanted is to tackle him without giving him any respite, to upset his usual routine, and to force him to get back to the primitive instincts of defence lurking inside him at a point where he ceases to be a personality and is just a normal human being like the rest.

It goes without saying that tackling of this sort must be scrupulously prepared by the assailant and must take the victim by surprise. It also goes without saying that the assailant must have at his disposal a whole arsenal of objections and ideas of his own which will provoke a retort, and that, at the risk of antagonising the audience which never sees the technique of the game, he must on no account defer to the person with whom he is conversing. The most successful of the tremendous number of these conversations broadcast by the RTF have always been passages of arms.

Sometimes this peculiar type of encounter has been replaced by what amounts to a veritable interrogation where, in accordance with a well-known police routine, a succession of inquisitors plies the solitary victim with questions, not so much for the purpose of eliciting the facts he possesses as of inducing introspection and personal confidences, not so much for the secrets of his learning as for those of his conscience.

It is a fact that some of the most distinguished men have agreed to submit to such an exacting procedure, but it is doubtful whether anything has ever emerged other than a ready-made version of the truth that fits in conveniently with the idea the person wished to give of himself. And besides, one could hardly expect anything else of a practice which, if it were something more than a game, would become an intolerable intrusion in the affairs of other people.

That is why it is better to leave this kind of enquiry to have its effect on film stars or personalities whose *raison d'être* is exhibitionism.

In the case of serious matters, the light will break through with the impact of two minds in opposition, as in the cases described above, or upon the comparison, in connection with certain given themes, of the thought processes requiring to be highlighted.

An example will show what is meant:

The RTF National Programme, in the knowledge that it will be satisfying the wish of the more select of the members of its audience, would like in the course of the forthcoming season to undertake a comparative study of the great religions that share or have shared the favours of the human race. The proposal, it must be admitted, is exacting and one can imagine how boring a series of doctrinal statements, metaphysical and moral considerations, and more or less camouflaged homilies could be.

But the position changes if the problem is located at the major crossroads which are the meeting place for the cares and anxieties, the dreams and hopes, the speculations and phantasmagoria of men of all races and all climates. What is the significance of Death, the Hereafter, the Last Judgment and Salvation for a Sumerian, an ancient Egyptian, a Jew, a Buddhist, a Hindu, a Moslem, and a Christian? What is the form assigned by an ancient Greek, a Moslem and a Christian to human liberty, and what are the limits they set? What does the notion of Paradise Lost correspond to in any given religion? What share in the creation is assigned by an Oriental or a Christian to God or to Satan? Who is responsible for evil in the world? What is the meaning of a holy place to the pilgrim who visits Mecca, the banks of the Ganges, Saint James, Jerusalem or Lourdes? What relations and what resemblances can be seen between the great myths that have emerged from the most widely separated civilisations? By what means (asceticism, ecstasy, prayer, will power, etc.) do the mystics and recluses of all latitudes and all times (Essenes, lamas, monks, etc.) seek to attain experimental knowledge of the absolute?

To themes such as these (used each in their turn as the basis of a broadcast) historians, philosophers, ministers of the different creeds, theologians and archeologists, bearing witness and comparing solutions, will lend their eternal presence and all their affective, spiritual and dramatic weight, the drama springing from the dialogue itself.

As you will see, the intensity of the confrontation will be in direct relation to the seriousness of this dialogue, and by penetrating thus to the heart of the problem, we confer a radiophonic value upon it.

Another type of confrontation practised by the RTF National Programme brings together different methods of expression and applies them to the same subject. It was by this method that an attempt was made to help the public to approach painting through the combined literary analysis and musical transposition of a given work. The broadcast is entitled *Comment regarder la peinture* (How to look at pictures). It deals with a well-known painting chosen some considerable time before and drawn to the audience's attention in the previous programme. A modern composer is commissioned beforehand to write a short symphonic work in which he is asked not to attempt an imaginative musical description but to give free rein to his emotions as a creative artist contemplating the creative act represented by the painting in another art form.

Concurrently, the most distinguished French art critic, Mr. René Huyghe, gives a detailed commentary on the painting, and experience has shown that his remarks and the musical commentary complement and enlighten each other in a way that greatly benefits the listener/viewer, the latter being supposed of course to have a reproduction in front of him.

This fruitful combination of two methods of expression, each of which may be regarded as a language of its own, is to be found in systematic form in broadcasts concerned with the question of language itself. For instance, Mr. Alain Guillermou organises debates on linguistic problems in which two or three speakers are pitted against each other. Series are planned on the words used to denote, for example, the *day*, *water*, *wood*, *iron*, *animals*, the *sunset*, in the various Indo-European languages.

Along this road the study of linguistics meets the human aspect and enables highly interesting conclusions to be drawn on the psychology of nations and the poetry of language.

This type of round-table discussion inaugurated at the RTF just after the Liberation with the programme *Tribune de Paris* quickly gained ground and is heard some time or other on all transmitters, and not always very suitably.

It is of course amusing for audiences to listen in to a free fight between journalists of opposing political parties or music critics who cannot agree on the respective merits of a number of interpretations of Beethoven on gramophone records.

In any case, subjects such as these do not carry the germ of boredom and are therefore outside the scope of this article. But the round-table discussions between savants, philosophers and experts on serious subjects are perhaps more dangerous than the type of conversation mentioned above. The danger arises from the fact that the persons in question, finding themselves among friends in the familiar atmosphere of their everyday life, tend to fall into the habits of their own particular form of freemasonry and automatically employ the secret language of their kind.

That is why the RTF National Programme has only introduced round-table discussions between savants into its programme schedule as a variation on the usual type, when a series of "difficult" broadcasts makes it seem necessary. This is the case with the important weekly programme entitled, with reference to Keyserling, *Analyse Spectrale de l'Occident*. This is a vast, systematic analysis of Western civilisation as we know it today, a descendant of and heir to several millenia of history, not to say pre-history, in which other civilisations have existed, produced a vast store of works and ideas and sometimes disappeared, but not without leaving behind them what now forms the essence of our thinking, and our way of living, feeling and creating.

A study on such a vast scale includes an infinite number of chapter headings. Each of these chapters is dealt with in detail in the course of a special half-day, on Saturdays from 3.45 p.m. to 9.30 p.m. About 24 Saturdays a year are devoted to *Analyse Spectrale*, between the beginning of November and the end of April. Each aspect of the subject is studied with the help of the most eminent experts, and the order and arrangement of the different paragraphs are subject, as it were, to a form of page-setting that regulates the number and incidence of the discussions *à deux*, the round tables, the readings by actors, and the musical items which vary from a simple interlude to a concert of 45 to 60 minutes in length whose programme forms an integral part of the day's demonstration.

After 8 p.m. and until 9.30 p.m. the theme of the day, still unchanged, is tackled in a more entertaining and less didactic manner. This takes the form of plays specially commissioned for the occasion, imaginary interviews reinstating in the present the atmosphere and personalities of the past, reportages, appropriate literary texts adapted for radio, and the like.

* * *

All the techniques described above are used with the same aim in view: not to reject anything simply because it may be boring, but to neutralise the boredom by the variety and ingenuity of the methods adopted.

Some producers, used to the demands made here by those in charge of the programme, display remarkable imagination. An example of this can be seen in the description of the technique by means of which Madame Denise Centore proposes to introduce the radio audience to an extremely interesting aspect of the history of

France: the disappearance during the Revolution of 1789 of the feudal army and the birth of the armed nation. Three episodes stand out as landmarks in this story, episodes whose origins, subsequent course and consequence are to be discussed, not by making use of the expedient of a dramatisation but rather by means of a sort of judicial enquiry. The technique is as follows:

" After briefly summarising the subject in the presence of the actors, the author allots the parts of the play, and in so doing avoids wasting time over the reading of the cast list. With his role each actor receives a short biographical note on the historical character whose part he is to play during the proceedings.

" Then each speaks in turn and the conflict quickens, gains in strength and waxes hot. At this point, like illustrations or plates in a written work, moments of drama will be interpolated at longer or shorter intervals in the midst of the proceedings. Voices superimposed, crowds briefly evoked, and sometimes a very rapid dialogue.

"This technique, which may be regarded as an attempt to rejuvenate the historical broadcast, should bring a new liveliness to the document. The sum total of the poetry of action—that is what we must strive to find."

It goes without saying, of course, that an undertaking of this sort can only succeed if it is prepared to the last detail. The performance in such cases demands a maximum of apparent spontaneity with a minimum of licence. This, in fact, is the heart of the problem, the two terms being in principle contradictory, and it is the problem which every serious radio programme has to face.

We are between two precipices: boredom on the one side and error on the other.

The latter must be guarded against at all costs, and that means that we can only accord the usual freedom of speech to the person who, by his very nature, will not be found wanting as regards the subject under discussion. This gives top priority to the selection of the personalities who are to be invited to speak at the microphone.

As for the question of boredom, it is not such a very formidable adversary. The first thing to remember, if it is to be overcome, is not to be afraid of it. The second is, when working with ideas and men, to look first for the man. After that, the ideas will follow by themselves.

THE TELEVISION WRITER

by DONALD WILSON

Head of Script Department, BBC Television Service

Mr. Donald Wilson

(Photo Doris Ashton)

Mr. Gerald Beadle, Director of Television Broadcasting at the BBC, made recently an astonishing statement of fact. He pointed out that in screen time the annual output of our network is equivalent to the production of 1,500 feature films per year. It is only when such a comparison is made that one can appreciate the growth of BBC Television since its first tentative days before the last war. No other single producing organisation has ever remotely approached this achievement either in sheer quantity or in the variety of programmes offered to the public in any medium of communication.

Now, although much of this output consists of unscripted material such as news, outside broadcasts of national or sporting events, orchestral and other musical recitals, discussion programmes and so on, a very large proportion contains as its basic element creative writing of one kind or another. So it is perhaps useful to examine the function of the writer in television, and especially the dramatic writer, because although most kinds of writing have a place, the writer of drama provides the backbone of the scripted programme. In this context, drama is understood to comprise every sort of dramatic

writing, from the five-minute sketch in a revue to the major play. It includes the adaptation of novels and stories, a libretto for an opera, a serial for children, situation comedy for star performers like Tony Hancock or Jimmy Edwards and dramatised history for schools programmes. Whatever other ambitions he may nourish, every Grock of an author retains a smouldering urge to write Hamlet but by no means all—even the most eminent—are successful. The reason for this is that not every writer, however talented, has all the qualities vital to the playwright, though he will certainly possess some of them to a marked degree.

What are these qualities? As I see it there are five, each of them an element in the composition of the dramatist. It is the intense development of these and their fusion in the correct proportions that result in great play writing.

First, then, the playwright must have an abiding interest in mankind. Plays are about people, and the dramatist must, in the deepest sense of the word, love people. He may satirize their foibles, despise their stupidity, expose their weaknesses, excoriate their lying, cheating, treacherous ways, but he must love them as the wood-carver loves wood and the sculptor stone.

The second quality is creative purpose. The gifted dramatist always has something to say, whether it be a profound analysis of one of the driving forces of human conduct, as in *Othello*, or a satirical comment on contemporary manners, as in *The School for Scandal*. The *power* of such purpose can be equal in every sort of play, whether tragic or comic, but it must be there, a thread, however slender, running through the scenes of a play like a string through pearls, and making unison.

All kinds of people who are not writers possess a third element, the gift of imaginative observation. Those garden-wall sagas, punctuated by " I saids " and " she saids ", are a form of drama that depends on actual dialogue vividly recollected in the comparative tranquillity of wash day. But of course it is not quite the actual dialogue. When an accident occurs, any six who witness it will give six distinct accounts and in all honesty will swear in court that each embellishment is the gospel truth, thus revealing the subconscious literary artist that lies in us all. In the professional playwright, this quality is developed to the point where it becomes one of the tools of his craft, used consciously and selectively for the creation of characters. Indeed it is only by this combination of the observant eye and ear on the one hand and imagination on the other that living characters can be created. Uncombined, the former results in reportage and the latter in fantasy.

It appears that many otherwise able writers suffer from ' word-deafness ', much as other people are afflicted by colour-blindness. By this I mean that although in their trade as novelist or historian they use words with knowledge and subtlety, they are incapable of writing dialogue that any actor can speak. So I take the reverse of word-deafness to be the possession of a poetic ear, a gift for combining words into euphony that charms the senses, touches the emotions and opens up new vistas of thought. Compare these lines:

a) " ... Goodnight, sweet prince,
And flights of angels sing thee to thy rest."

b) " Dead ! and he never called me Mother."

Both come from highly successful plays. The first phrase is, for me at any rate, the most moving valediction in our language; the second, to modern ears, is the essence of banality. It's doubtful if any actress today could bring herself to speak it. Yet one must not forget that before fashions in sentiment changed, it did have power to stir the emotions. Indeed, it wrung tears from many an audience because the author knew what he was doing when he wrote that line. His poetic gift was on the lowest possible plane, but it was there. Note how both speeches are composed of short, simple, Anglo-Saxon words, none longer than two syllables. Listen to the cunning repetition of the long vowel ' i ' in " night ", " flight ", " thy ", varied by the short ' i ' in " prince " and " sing ", then compare the short ' e ' in " dead " and " never " alternating with the long ' e ' of " he " and " me ". There's no doubt that these two authors, one immortal, the other already forgotten, shared at least one weapon in the dramatist's armoury.

Mr. Somerset Maugham once described his sensations on reading the first words of the review of a new novel. The critic began: " Mr. So-and-So is not a mere story-teller ". The word ' mere ', says Mr. Maugham, stuck in his throat and on that day, like Paolo and Francesca on another occasion, he read no further. He goes on to say that: " In point of fact, there is no such thing as a ' mere ' story. When he writes a story, the author, sometimes without any more intention than to make it readable, willy-nilly offers a criticism of life ". I believe that Mr. Maugham would apply this equally to the author of a play. " St. John " is a story; so is " The Letter "; and so, for that matter, is " Getting Gertie's Garter ". Is any of them more ' mere ' than another? Can it be said that any one of them doesn't offer criticism of a particular facet of life? So the playwright must be a storyteller. This would seem so obvious as not to need statement, yet it must be stated, because a circle of writers has formed itself in the theatre who deny this, just as they will deny the worth of any themes other than degeneracy, brutishness and hate. The art of story-telling is ancient and mystical. It depends not by any means wholly on the use of words, for this is the function of the poetic element in the artist. It is, rather, an inborn faculty for grasping the attention of a reader or an audience from the first moment and holding it until the end. Some authors have an abundance of this quality from the beginning. They are lucky ones; they will

never lack an audience, neither will they starve, for the technique of story-telling comes naturally to them. But for the rest of us, who may begin with only one grain, there is also hope, because of all the five qualities of the dramatist this is the one that rewards detailed study and incessant practice. How many times have we seen a play that 'falls away in the third act'? This, you can be certain, is not the work of your sure-footed story-teller, whose *dénouement* at the right moment in the third act was clear and firm in his mind before he set pen to paper.

Here then is our dramatist, equipped with the sinews of his art. In what field is he to exercise them? Where can he find his workshop, his apprenticeship, encouragement and criticism, example and precept, the discipline and practice without which no artist has ever grown to maturity? From the birth of drama until forty years ago the theatre provided the only answer. True, the cinema existed, but it was mute; no aspiring dramatist sought deliberately a career as a writer of screen-plays. The silent film evolved a wholly new entirely visual method of story-telling and those responsible were not writers but the great directors. As we shall see, the television writer owes them an immense debt.

Then, in the nineteen-twenties, radio broadcasting offered a new and highly specialised form of drama. Here was the great opportunity for those writers in whom what I have called the poetic ear was the most strongly developed attribute. The best of them seized it and wrote plays in which the voices of actors and the ingenious use of sound effects brought to the listener a new kind of experience. He was persuaded to make his own creative contribution to the play through an inner imaginative vision, and so sturdy was the growth of radio drama that it retains against all competition an established place in the field of entertainment.

But how strange it is now to reflect that for a period of about ten years, until the talking picture established itself, millions went out nightly to receive drama solely through the eyes while millions stayed at home, eyes fixed on vacancy or pleasantly closed, absorbing it through the ears.

Meanwhile the theatre remained the goal and putatively the nursery of the young dramatist. Only in the playhouse could he achieve both fortune and the fame conferred by the prestige attaching to that ancient institution. Yet, if we think about it, how much opportunity was there, how much nursing of the talented but untrained? Theatrical playwrights have emerged from all sorts of cocoons. Some start their working lives behind the footlights as actors, stage-managers and stage-directors. Some, like Galsworthy and Priestley, begin as novelists, others, like Shaw, as newspaper critics. Many distinguished authors are drawn to the stage from other, non-literary professions, while suddenly and precociously, out of the blue, a Terence Rattigan will appear to take the theatre by storm. But the later careers of almost all theatrical writers have depended on the making of one more or less spectacular success. After this, either they grow in strength, developing new powers, or they coast happily along, disguising under an ever improving technique the fact that they have nothing more to say. Nearly all have raised themselves to the peaks, through delays and recurrent disappointments, by their own unaided efforts. Splendid, but what of the talent lost, suppressed or diverted to other channels for want of luck or adequate encouragement at the fledgeling age? True, there are theatres, notably the better repertories, which produce the plays of new writers, and certain public bodies which encourage authorship by means of grants, but the extent of such aid is necessarily small. Moreover, and this must be faced, the British public, en masse, does not go for its diversion to the live theatre, playhouses outside London are few, and the chance of a production only occasional.

For the apprentice writer, this is not nearly enough. A play is written to be performed. In fact it is not a play until it has been performed. So it follows that the only practical way of helping a playwright is to produce his work. For a dramatist, nothing can take the place of the excitement—and sometimes the salutary shock—of hearing his words read aloud for the first time by a professional company of actors. Then as rehearsals begin and his play is slowly whittled and hammered into some kind of shape by the combined efforts of producer and cast, with the author at hand to revise and polish, even the most self-opinionated young man will take stock of his talent and begin to learn, through a growing understanding of the craft, how best to use it.

It has been accepted that, for the apprentice actor, repertory theatre provides the most useful school. Here he can play many and varied parts in quick succession, this week Hotspur, next week Old Gobbo; by means of this exacting discipline he widens his range and gradually perfects his art. But where can his brother the playwright gain a comparable experience? Rarely in the theatre, and then not quickly; even more rarely in the cinema, although there is much to be learned in that Dotheboys Hall among dramatic schools. For, in general, film-makers in England and America have a bad record in their treatment of the writer, unless he has already a notable reputation. He is paid well, often lavishly, for his work, which is first praised, then progressively emasculated by the fearful, pawed over by the ignorant, altered out of recognition by the incompetent and finally re-written by a committee of accountants calling themselves producers.

But the development of television has opened up a vast territory to the author. In the year ending April 1960 BBC Television produced 216 *new* dramatic works, ranging in length from half an hour to ninety minutes and covering an immense variety of style and theme. In total screen time, this was the equivalent of 76 full-length stage plays or 104 feature films, and these figures represent only original work especially written for live

television. They do not include adaptations of stage plays or the large amount of dramatisations from novels, short stories and other literary material, which engaged the skill and provided the livelihood of many able writers.

Now it would be folly to pretend that all this work was of the highest class; the astonishing thing is that the average quality was so high, and it promises well for the future that as each year goes by, the standard of television drama continues to rise. It does so because each year more writers of talent are turning to television as a natural and exciting medium of expression. They find there a ready market and an enormous audience; a freedom of subject and treatment unheard of in the cinema; an acceptance of the revolutionary idea that the right length for a play is the length that suits its theme, not the theatrical convention of two and a half hours including intervals. They find, as beginners, financial encouragement to continue writing, the invaluable benefits of production at reasonable intervals, detailed analysis and constructive criticism at all stages. The fact is, angry letters from the disgruntled failure notwithstanding, the demand for good writing is so insistent that producers and editors will go to any lengths to nurse talent, however inexperienced.

So if talent is the compound of five elements, as suggested above, what more does the writer require to succeed in television? First, I believe, he must accept the special disciplines of the medium; he must learn its limitations—for all media have those—then how to reach out and use its opportunities. He must clear his mind of all thoughts of " prosceniums ", " curtains ", " up-and-down-stage ", " bringing characters on " and " taking them off ". He must realize that what is effective in the theatre is not necessarily so on the screen; that the camera is so wonderful an instrument for concentrating the attention that the director can, with one imaginative close-up, make a stronger dramatic point than with a whole page of dialogue.

It is important then to think of television in terms of its end-product—a series of two-dimensional pictures on a small screen. The view point of the audience is made infinitely variable by cutting from one camera to another, by swinging the camera to follow the action (panning), by moving it bodily through doors or from one side of the set to another (tracking). By means of ' mixes ' and ' fades ' short or long time-lapses can be established; by the use of two or more settings parallel lines of action can be developed simultaneously. And everywhere the actors move they are followed by a sensitive microphone, picking up their faintest whisper. No need to play to the gallery in television. There is in fact no gallery and no pit; only one to six people sitting in their own home —people, let it be said, the vast majority of whom have never seen a play upon the stage, but who from childhood have been conditioned to accept the conventions and the tempo of the movies.

The above would seem to imply that the television playwright should study the best artists in the cinema, and only them, but this is by no means true. What he must do is to study the ' *grammar* ' of film, as a man must learn the grammar of any language, in order to speak it fluently. Only when this has become second nature to him will he be able so to construct his piece that a producer, faced with the problem of making it visual, dividing it into perhaps five hundred separate shots, finds to his delight that he is working in sympathy with his author, not fighting every step of the way. This does not mean that the television playwright should usurp the function of the producer—or, in film terms, the director. He need not lay down firmly, in writing, every cut or camera angle. What he must do is to visualise as he writes the action and rhythm of his scenes with such sureness and knowledge that the producer in spite of all technical problems can re-create his original conception on the screen. The author must learn what kind of dramatic points are best made by purely pictorial emphasis, without dialogue, and must indicate these clearly in his script; but let him be very sure that what he asks for is effective, practical and within the compass of the technicians.

Here is a very simple example. You want to establish that a certain character is a man that enjoys his game of golf. In the theatre, this could be done by having the character enter the scene carrying a bag of golf clubs. This ' entrance ' must be allowed for in the planning of the scene. But supposing your ' set ' is the man's office. In this case, his passion for golf might have to be explained in dialogue. In television you open the scene with a close-up of a golf ball on the man's desk, and track back to show the rubicund gentleman in his chair. A man may have a golf ball on his desk without necessarily being a golfer, but by *pointing* the golf ball with the camera you tell the audience that he is; and all this in six seconds of time.

It can be seen that as a story-teller the television writer is working along lines of construction quite different from those of the theatrical playwright. For instance, the stage author knows that his whole playing space is visible to the audience for long periods—say forty-five minutes at a time in a three act play. But in that open arena he may wish to split up his action without a curtain into various scenes between differing combinations of characters. If he has ten people on the stage at one moment and needs only two at the next he must contrive exits for eight, and this the expert craftsman will do with such skill as to make it all appear quite natural. But in doing so, and bringing them back when required, he uses an immense amount of time—anything up to forty minutes out of a three hour play. The television writer has no such problem. He can, so to speak, eavesdrop on a scene, arriving when he will, and leaving it at its climatic moment by the simple act of cutting away to another scene going on elsewhere. This facility can

give his piece a much closer texture and, in combination with the use of visual techniques, a much faster tempo. His dialogue, while remaining the dominant feature, is no longer the whole play. It should be sharper, tauter, never declamatory, for an actor in television should never be put in the false position of playing to a non-existent auditorium. By avoiding the artificial caesurae of the intervals (at least on non-commercial networks) the writer can build naturally to one major climax and place it at the most effective point. Knowledge of all this results in the good television play carrying much more ' content ' in proportion to its length than the theatrical piece; ignorance of it leads to the most distressing *longueurs* and consequent failure to grip and hold the viewer's attention.

Now the question arises: does insistence on cinematic grammar imply that all television drama should be pre-filmed ? There are many who will claim that it should, basing their opinion on the advantage the director gains by re-taking doubtful scenes, by detailed re-assembly and editing of his material, by the post-synchronising of music and sound effects, and by the wider range of subjects open to the film-maker—the open-air story, the ' action ' story.

These are potent arguments, but to my mind they fail, for various reasons. First, the television producer has one artistic advantage to offset his technical difficulties. He can, in rehearsal, see his play entire, already edited, and while he still has the cast under his control. He may therefore build and polish his grand design right up to and even, if he has the courage, during transmission. He is in fact actively making a work of art almost before the very eyes of his audience. There's no doubt in my mind that this aliveness and urgency is communicated to the viewer. Secondly, consider the actor. The actor in films has always been the creature of the machine and the man behind it. In this respect he has been treated only one degree better than the writer, and this is why the ' star ' constantly tries to become the producer or director of his own films, usually with poor results because he in turn is caught up in the devilish intricacy of the machine he is attempting to control. For economic and technical reasons a film is never made as a piece in the direct continuity of the action, the scenes in any one set being shot consecutively, regardless of their place in the completed work. In these conditions the actor has little chance to ' pace ' and ' grade ' his performance and must rely on the director. He cannot know, until the film is completed and shown, just what kind of performance he has given. So little regarded is the actor's own interpretation of his role that it used to be the practice—and for all I know it still is—for the small part player to be given to read only those scenes in the script in which he himself took part. There is a valuable tradition brought from the stage which would make this impossible in television. The company gathers and the play is read aloud, straight through. Each actor can assess his part in relation to the whole and by the end of three weeks' rehearsal you have a team, not a collection of unassembled units. So when the evening of transmission arrives and the piece is played through from beginning to end, all members of the cast join together in one creative act. Because of this, barring accidents, a player will always give his best performance on transmission, whereas by the time it comes to " Take Fourteen " in a film studio he is merely going through the drill. The writer and the actor are natural allies, because the actor is the only channel through which the playwright can reach his public, and he for his part relies upon the playwright to create characters he can play. In films, generally, the writer is kept firmly away from his cast, whereas in television he is encouraged to attend rehearsals and solve problems as they arise. Thus he will get to know and understand actors and will learn the importance of writing at least one good scene for every minor character, in this respect following Shakespeare, who gave some of his most felicitous speeches to servants and Second Murderers. When he begins to do this, the author discovers that good actors will queue up for small parts in his plays, thus enriching the quality of his productions and adding to his reputation in the profession.

The third point to be made is that film-making, compared with live television, is a long and expensive affair. To reduce the production cost of a feature film even to ten times that of a comparable television play would mean such a reduction in quality that the benefits of the process would be entirely lost. Moreover, where such vast sums are spent, at least an equal return is demanded and, as the sad history of the film industry has shown, this results in the artistic direction of the product falling into the hands of those least qualified to exercise it.

Finally, let it be repeated, plays are about people, not about scenery, however spectacular. ' Action ', in cinematic terms, means physical action, the galloping horse, the cattle stampede, the mob storming the Bastille, the storm at sea; but beguiling as all these scenes may be, they can give us drama only in its most elementary form. A more rewarding kind of ' action ', in a dramatic sense, comes from the conflict and interplay between vividly created characters at a moment of crisis. And this is precisely what live television, at its best, can do to perfection.

> " Think, when we talk of horses, that you see them,
> Printing their proud hoofs i' th' receiving earth."

So the television writer has an art of his own to follow, and the biggest audience in the world to please—an audience of millions in every country where television exists. For many of these people, television is the only ' theatre ' they have ever known, or ever will know, and it is the author, writing specially for the medium, upon whom the quality of their future entertainment, instruc-

tion and diversion, will largely depend. If he is to meet the challenge—and to meet such a challenge is surely worth any man's endeavour—he must study his medium, learning its peculiar skills and then experimenting with new forms of construction within, and if possible beyond, the compass of existing techniques. It is in order to aid him in this that the BBC's Television Script Department has been evolved. Its function is to supply the service with better scripts of all kinds in sufficient numbers to meet the increasing demands. To do this it must work far ahead of production dates. It must seek the talented writer—especially the young writer—wherever he may be found. It must then nourish him, encourage him, criticize constructively, and help him to get his work produced. It must, by precept and example, set higher standards each year. It must make itself at least the nucleus of the Workshop I have mentioned. Above all it must, through achievement, acquire such prestige that the young author, setting out on his career, will look towards Television not only as the playground of his apprenticeship, but as the best possible field in which to exercise the full maturity of his talent.

THE INTERNATIONAL STANDING COMMITTEE ON RADIO AND TELEVISION OF THE INTERNATIONAL COUNCIL OF WOMEN

by ELIZABETH LONG [1]

Miss Elizabeth Long

(Matthews School Photos)

Unique among broadcasting committees of international non-governmental organisations, the Radio and Television Committee of the International Council of Women (ICW) concerns itself with the national and international problems of broadcasting in relation to the maximum well-being of all peoples.

Work of the International Council of Women is conducted through its 15 International Standing Committees, and the Committee on Radio and Television is one of the most active. This is to be expected, as both these broadcasting media depend on home outlets for distribution. This is such a revolutionary development in mass communication that its impact on the home and its reasonable control have been continuing problems to women of many countries for the last 30 years.

The ICW membership consists of National Councils and affiliates in 40 countries, and each National Council in turn is a federation of affiliated societies so that it forms a network of women's groups having varied interests, but united under the National Council to study current social problems and take appropriate action.

Like the ICW, these National Councils work through Standing Committees, and each National Standing Committee is linked to its corresponding International Standing Committee through its chairman, making the membership of any ICW Committee the sum total of these chairmen, and at any time reflecting the total thinking of all its constituent groups. These International Standing Committees convene at ICW meetings every 18 months, and Committees dealing with swift developments and constant change, as in radio and television, keep informed on action in other countries by a continuous flow of reports, documents and surveys circulating between members and their International Convener.

Radio and television form part of the life of women in many ICW countries, and they choose Committee chairmen of unusual competence either as community leaders, or authorities in the broadcasting field. The result is that about half the ICW Committee members are professional broadcasting planners or performers, and the rest are women experienced in organization

[1] Miss Long is retiring Convener of the ICW Committee on Radio and Television, having first been elected to this position in 1947. She established and was supervisor of the Department of Women's Interests of the Canadian Broadcasting Corporation until four years ago, when she retired to do free-lance writing.

work, who keep informed on progress in radio and television.

Action by the Committee usually is taken on a national basis, and in practically every ICW country where broadcasting facilities have been expanding, members have headed committees and deputations, made special studies and informal requests, submitted resolutions and briefs. They have asked for more women broadcasters. They have themselves broadcast. They have asked for women members on broadcasting governing boards. They have themselves sat on broadcasting governing boards, advisory committees, programme planning

Mrs. E. F. Byth, O.B.E. *represents the National Council of Australia on the ICW Committee. She is one of the seven Australian Broadcasting Commissioners.*

(Photo Dorothy Coleman)

groups. No matter how long the struggle, they have kept on asking. When they achieved one improvement, they moved on to the next. Broadly speaking their objectives seldom have been negative. Most often they have respected and supported professional effort to improve broadcasting services.

Through the years the ICW Committee has worked out the following terms of reference, to be employed by National Committees, when and as they see fit:

1. To work for and defend freedom of speech on the air, nationally and internationally, and fair comment;

2. To place women as well as men in the administration of broadcasting, and let women take part in the planning of programmes;

3. To have popular information and lectures on subjects of special interest and educational value to women;

4. To arrange international exchange of broadcasts with a view to making use of broadcasting to promote a greater degree of understanding between nations.

Detailed study of their international proceedings reveals no striking fact but their timing; and here they have shown an awareness of future trends long before they were generally discussed. Back in the 1930s they were asking national radio authorities for more women planners. They were urging women to support valuable programmes by organizing listening circles for women and for children. They were working for the application of the 1936 International Convention concerning the use of Broadcasting in the Cause of Peace. But their main objective was to study radio itself and bring into effect national women's programmes which would touch all problems of fundamental importance to women and would better international relations.

After the war they agreed radio had grown into more mature programming and listener acceptance. When the International Committee met in 1947, their general thinking was for action to create better international understanding through person to person broadcasts, with regular women's programmes including news and views of women of other countries. Despite the uncertain political climate they felt this could be put into immediate effect, as women everywhere shared the non-political but specialized interest in child care and healthy family living. They also deplored the lack of broadcasts in regions where they would be most useful for mass education, and the lack of concern for women listeners in many radio projects for mass education.

It was about this time that a number of National Committees and other parent-minded groups made surveys and protested against certain broadcasts for children which they considered unsuitable and even harmful for youthful listeners. These protests were met by psychological surveys instituted by radio management, and the vast field of professional audience surveys opened up. The National Committees concerned were neither entirely silenced, nor satisfied, while National Committees in countries with no psychological surveys were most interested, and in one case linked up with their country's leading psychologists in the first psychological survey of children's radio audience reaction made by volunteers anywhere.

By 1952 professional radio surveys were developing on all sides, and already had become departmental aids to new television systems being set up in several countries. One such national study on the effect of television on home and family life was the subject of much discussion at conference sessions of the ICW Radio and Television Committee, and members carried copious notes back to their home countries where television production soon was to begin.

Gradually this intensity has subsided. Psychological reports no longer impress. Perhaps it is because they so seldom were conclusive, or perhaps because they continually voiced the fact that the tough-minded best survive, but anyway the ICW Committee recently reached a unanimous decision that professional reports or no professional reports, they were opposed to all

television and radio programmes glamourizing violence or sex; and that they endorsed the right, and even the duty, of viewers and listeners to turn off such programmes as an offence to good taste and good sense.

This may be the result of a new patience that Committee members have developed. They admit they have watched radio develop and, through much poor programming and crude production, reach a comfortable maturity in the relaxed shadow of television's costly début. They are shrewd enough to keep urging that radio budgets be kept at a high level to supply a healthy rivalry for television. They are tolerant enough to ignore the fumbling efforts and slower paced thinking of the newer medium, but they do express enthusiasm over its wealth of international programmes, its useful economies in global programme exchanges and its fine achievement of having peoples talking to peoples across barriers once dedicated to enforced isolation.

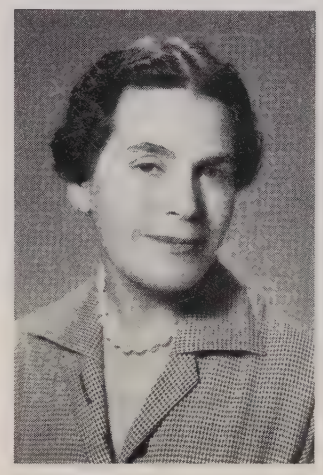
They still urge high programme standards; in fact there is a movement now to urge that all national television authorities, no matter how financially weak, aim to present a few best quality productions for the artistic education and pleasure of their viewers.

Of course not all ICW Committee members have participated in these constructive activities attendant upon the development of broadcasting. The reason has been that in their countries lack of money and technical development placed limitations on all mass media, even hampering repairs, replacements and programming of broadcasting facilities now in use. Such situations are not limited to one area or circumstance, but three years ago, to have more accurate facts of one segment of these ICW countries, the Committee undertook an inquiry into the use of radio for the education of women of the Asian-African nations. This was the first non-governmental survey in this area, and included reports on listener opinion as well as programme schedules.

Findings emphasized four facts:

1. there was national need of total coverage;
2. women listen regularly when programmes for them are available, with group listening sometimes highly successful in the villages;
3. radio authorities have the will and the skill to produce excellent programmes, given funds and equipment needed for coverage;
4. like women everywhere, those in Asian-African countries favour the same two radio programmes: either a woman's hour, comprised of a variety of talks, interviews and discussions, mostly by women speakers; or answers by experts to questions from women listeners.

Not long after this ICW inquiry was completed, UNESCO held its Bangkok regional conference to launch a world study of the problem of obtaining facilities for mass communications, including radio and television for the 60% of the world's population who lack them. Similar meetings are planned for Africa and South America. At present the ICW Committee is choosing Vice-Conveners in South America, Africa and Asia to keep colleagues informed on all details of the UNESCO survey and its progress.



Miss Georgia Tarsouli *represents Greece on the ICW Committee. She is a member of the staff of the National Broadcasting Institute of Greece.*

The main strength of this ICW Standing Committee lies in its firm belief in the influence and importance of radio and television, and the influence and importance of feminine opinion. Its value to each member is rooted in shared enthusiasm, and continuing interchange of widely varying assessments and solutions to problems bearing on objectives common to them all.

CONGRATULATIONS

We have pleasure in congratulating

Mr. Marcel Bezençon, who has completed ten years as Director-General of the Société Suisse de Radiodiffusion.

Mr. H. J. G. Grisewood, Chief Assistant to the Director-General of the BBC, who has become a Commander of the Order of the British Empire (C.B.E.).

Mr. Christian Wallenreiter, who has been appointed Intendant of the Bayerischer Rundfunk as from 1st October 1960, in succession to Dr. Franz Stadelmayer whose term of office has come to an end.

SCHOOLS PROGRAMMES ON TELEVISION

by Sir GERALD BARRY

In charge of Granada TV Network's educational projects

Sir Gerald Barry

Ever since the first experiments were carried out in 1952, the value of television as an educational medium has been recognised. A general school service began in Britain in 1957, and by 1960 schools were catered for in most areas of the United Kingdom.

But anyone with any knowledge of or interest in the subject recognises that educational television is still a highly experimental and even controversial service. The most creative ways of using it will only gradually become plain as various methods are tried.

The possibilities are immense—but so are the problems. Classes of both sexes, various ages, mixed intelligence and varying standards make programme planning a complicated task. But these are in a sense comparatively superficial difficulties. The real problems concern the nature of education itself and the means by which television can be usefully made to serve its true ends. There is the position of the teacher to be considered: television can never take the place of personal teaching: it must always be a supplement to, never a substitute for, the lesson in the classroom. On the other hand, if a teacher with a rare and special gift for teaching can use television as his medium the stimulus of his talent can reach thousands of students instead of a mere twenty or thirty in a single class. Then again, should television for schools be linked with the teaching syllabus and become an actual part of the school curriculum, or should it rather be used to provide " enrichment " programmes, bringing students something different and additional to their regular time-table lessons? This is likely to depend on the particular requirements and circumstances of a school, an area or an educational authority.

Knowing some of the many difficulties, and acutely aware of the experimental nature of the process, Granada TV Network decided to start its educational service in a deliberately small and restricted field of operation. Other companies were catering mainly for primary and secondary modern schools: the grammar schools, and in particular the sixth forms, were so far virtually unprovided for. Granada therefore decided to transmit programmes, in the first instance, exclusively for sixth-form students, and what is more—recognising the prevailing need of the moment—exclusively for *Science* sixth-formers at that. The audience, in television terms, would be very small but there would be no waste. The sixth-form students of our grammar schools form the cream of the school population.

An Advisory Educational Committee under the Chairmanship of the Vice-Chancellor of Manchester University and representing all relevant educational bodies was set up, and a policy of supplementation rather than strict adherence to the schools curriculum was formulated. The trend, in the grammar schools of this country, has been towards specialization, and it was felt that a service could be rendered in providing extra-curricular information. The aim was to bring leading scientists into the schoolroom to talk about their own work on the television screen, the result of their scientific researches; to show experiments and apparatus not normally seen in schools; to stimulate the interest of the audience and so to give a more general background to the highly specialized school work. Each programme was self-contained and complete in itself, not part of a consecutive syllabus.

Since grammar schools had until then taken only a small part in schools television, it was unlikely that many educational authorities would be able to provide sets for experimental purposes. Granada therefore arranged to lend receivers for a limited period to schools wanting to take part, and thus give them the opportunity of assessing the programmes. Over 200 schools took part in the first term's viewing, with an audience of nearly 5,000 pupils.

The general title of Granada's science programmes for sixth forms is *Discovery*. The first academic year is just completed: three series of programmes have been transmitted, one in each school term, and while the response from both teachers and students has been most encouraging it is also true to say that producers and directors have in turn learnt many useful lessons about the best ways of teaching science by television. During this first year a great variety of subjects has been covered by many eminent men: Sir Edward Appleton, Principal and Vice-Chancellor of the University of Edinburgh, who was awarded the Nobel Prize for Physics in recognition of his radio-researches and who is the discoverer of the Appleton or F. Layer, talked about his researches into the Ionosphere; Professor A.C.B. Lovell, Director of Jodrell Bank, gave a programme on Radio-Astronomy; Sir Alexander Todd, another Nobel Prize Winner, Director of the Chemical Laboratories at Cambridge and Professor of Organic Chemistry, roused great interest with the results of his most recent investigations; Sir James Gray, Professor of Zoology at Cambridge, discussed theories of heredity; Sir John Cockcroft, who shared the Nobel Prize for Physics with Dr. Walton in 1952, and who is a Member for Scientific Research of the United Kingdom Atomic Energy Authority and Master-Designate of Churchill College, Cambridge, talked about the present and future application of atomic energy.

Others taking part have been Professor Gordon Manley, of Bedford College, London University, a leading authority on climate and weather, who produced some extraordinary evidence of climatic changes; Professor Dudley Stamp, known to children the world over for his geographical text-books and an international expert on land use, gave a programme on land-conservation and world food production; Sir Edward Bullard of Cambridge University re-examined some clues given in past programmes and discussed the tasks facing scientists in the future; Dr. Alex Comfort of University College, London, revolutionized some set ideas about growing old; while Lord Rothschild, of the University of Cambridge, brilliantly demonstrated the complexity of spermatozoa, and Sir Harry Melville of the Department of Scientific and Industrial Research explained the functions of big molecules.

The possibility of life on other planets, the exploration of the oceans, computer memories, the measurement of human stress, new techniques in archaeology, the secrets of past life learnt from palaeontology, the applications of science to industry—these are some of the other subjects covered in the first year's programmes.

With the *Discovery* series now firmly established, and profiting by the experience gained in preparing and projecting these programmes, Granada has now decided to undertake an additional series of programmes for sixth forms, this time on various non-science subjects, concerned with public or current affairs, languages or some aspect of the arts. The first series is now being planned, in parallel with the *Discovery* science programmes, and starting with the Michaelmas term will be transmitted throughout the three terms of the school year 1960-61. Thus there will be two Granada programmes for schools each week; allowing for ' repeats ' this will entail six transmissions a week in all. The first of this new series of programmes for *all* sixth-formers, science and arts alike, will illustrate the history, functions and organisation of some of the main institutions of the country—trade unions, local government, Parliament, the law, prisons, universities, newspapers. Our cameras will take the audience behind the scenes, and face to face with the people intimately concerned, thus giving an insight into the workings of familiar yet complex and nebulous national institutions.

Particular value is attached by Granada to maintaining as close a relationship as possible with all schools receiving the programmes and in seeking their co-operation in ensuring that the best use is made of the service and that the opinions and requirements of teachers and pupils are made known to the producers of programmes and are acted upon. During each term nearly all of the individual schools are visited; the Schools Liaison Service maintains personal contact with all teachers and education authorities; programmes are discussed with classes; regular questionnaires are completed by both teachers and students; recordings are made of their comments and views and their reactions carefully noted. In this way one of the chief limitations of the television medium—the absence of audience feed-back—is to some extent remedied and the educational value of the service enhanced.

The results of these investigations have been most encouraging, confirming that television has a contribution to make in the field of education. We believe that in one sector—and we hope that henceforth in others—we are bringing additional stimulus to the minds and imaginations of senior students in ways not normally available in the class-room.

Our aim remains the same: to provide information on subjects allied to but outside the normal school curriculum, to stimulate rather than directly instruct, to give students facts and illustrations they would not otherwise readily obtain, and to bring them into contact with first-class minds and personalities.

RADIO AND TELEVISION LICENCE FEES — EUROPEAN BROADCASTING AREA

(31st December 1959)

COUNTRY	Annual fees (in national currency)			Type of set and methods of assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
AUSTRIA (Sch.)	98 per home			private use
				additional licence of 24 Sch. per year for car set
		600 per set (excluding radio)		
			110 (98+12)	private use
BELGIUM [1] (B. fr.)	20 per home [2]			crystal set — private or public use
	144 per home [2]			valve set — private or public use [3]
				additional licence for car set and portable set
		840 per home (excluding radio)		private use
			As for radio	
CYPRUS ** (£)	1 per set			crystal or valve set — private or public use
				additional licence for car set
		1 per set.		private or public use
CZECHO-SLOVAKIA (Kčs)	60 per home			crystal or valve set — private use or public use charged for
		180 (excluding radio)		private or public use charged for
			60	private or public use charged for
DENMARK (Kr.)	22 per set [4]			crystal or valve set — private or public use
	33 per home (several sets) [4]			additional licence for car set or set installed on boat
		75 per home (excluding radio)		private or public use
EGYPT * (£ E)	1.30 per set			public use free or charged for
				additional licence for car set
FINLAND (FMk)	1500 per home			crystal or valve set — private or public use
				additional licence for car set
		6000 (excluding radio) [5]		private or public use
FRANCE [6] (NF)	20 per home			crystal or valve set — private use
	40 per establishment			free public use
	80 per establishment			public use charged for
				additional licence for car set and portable set used outside the home
		75 (including radio) [7]		private use
		300		free public use
		600 (+tax proportional to receipts)		public use charged for
GERMANY (Fed. Rep.) (DM)	24 per home			private or public use — licence also covers car set as from 1.1.1960
		84 (24+60) (including radio)		private or public use
			42 (24+18)	private or public use
GIBRALTAR (£ s.d.)	10s. 0d. per holder, covering 2 sets: home and car			private or public use
			free	

[1] See also recent changes referred to on page 4 of this number.

[2] The licence fee is payable per home so long as receivers installed in the same home are not used for profit.

[3] From the point of view of the licence fee as such, no distinction is made between private or public use of radio sets. In certain Belgian communities or provinces, however, a special fee is payable in respect of the public use of loudspeakers used for the broadcasting of entertainment or propaganda in public places. This fee is due even if the loudspeaker used is in fact part of a radio receiving set.

[4] From 1.4.1960 one licence fee of 25 Kr. covers several sets per home.

[5] Holders of television licences are also obliged to pay the radio licence fee.

[6] From 1.7.60 the fee has been increased to 25 NF for radio and 85 NF for the combined licence.

[7] The licence fee covers only radio sets installed in the home.

COUNTRY	Annual fees (in national currency)			Type of set and methods of assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
HUNGARY (Ft)	120 per set			crystal or valve set — private or public use
		600 (excluding radio)		additional licence for car set and portable radio
			72	private or public use
				private or public use
ICELAND (Kr.)	200 per home			private or public use
				additional licence for set in car, boat, etc.
IRELAND (£ s.d.)	17s. 6d. per home			crystal or valve set — private or public use
		No television licence		additional licence for car set
ISRAEL (£I)	10 per home + 5 for each additional set			crystal or valve set — private or public use
				additional licence for car set
ITALY [8] (L.)	2450 per home			private use
	2450 to 4800 per establishment			free public use
				additional licence for portable set and car set
	Supplements			
	500 per loudspeaker in hospitals			public use
	1000 per loudspeaker in hotels and on ships			public use
		12000 per home (including radio) [5]		private use
		15000 to 36000		free public use
		Supplements		
		3060 per additional television screen in hospitals		public use
		6120 per additional television screen in hotels and on boats		public use
JORDAN ** (Din.)	1 per set			private use
	2 per set			public use
				additional licence for car set
LIBYA * (£ Lib.)	0.500 per set			valve set — private use
	3 per set			public use charged for
				additional licence for car set
LIECHTENSTEIN** (Sw. fr.)	26 per home			crystal or valve set — private use
	52.80 per establishment			public use
		84 (excluding radio)		private use
		192 (excluding radio)		public use
		180 (including radio, private use)		
			47.40 (26.40+21)	private use
			73.80 (52.80+21)	public use
LUXEMBOURG (L. fr.)	96 per set			private or public use
				additional licence for car set or portable set
		no television licence yet		
MALTA ** (£ s.d.)	1 per home			crystal or valve set — public or private use
				additional licence for car set
		1 (including radio)		private or public use charged for

[8] Law No. 1150 of 10.12.54 decreed that *over and above* the usual fee payable for each licence, a charge for the governmental *concession* is payable.

COUNTRY	Annual fees (in national currency)			Type of set and methods of assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
MOROCCO * (Fr.)	500 per home 1500 per home 3000 per establishment 6000 per establishment			crystal set — private use valve set — private use valve set — free public use valve set — public use charged for additional licence for car set
NETHERLANDS (Fl.)	12 per set	30 per set (excl. radio)	12	crystal or valve set — private or public use additional licence for car set private or public use private or public use
NORWAY (Kr.)	30 per home	75 per set [9] (since 1.3.60)		private or public use private or public use
POLAND ** (Zl.)	60 per set 360 per set 180 per set	480 per set (excl. radio)	72 per set	crystal set — private use valve set — private use valve set — private use, reduced rate for State workers additional licence for car set private use private use
PORTUGAL * (Esc.)	100 per set 100 per establishment or public place			valve set — private or public use, free or charged for — car, boat or portable set additional licence for any number of sets
SPAIN * (Ptas)	60 per home 100 per home 100 per set 150 per set 200 per set 500 per set	300 500		6-valve set — private use set with 7 or more valves — private use public places other than hotels shops or workshops hotels, clubs, restaurants, etc. for each loudspeaker installed in the street, etc. 150 Ptas for set in car, boat, etc. Up to 43-cm. screen Screen larger than 43 cm.
SWEDEN (Kr.)	30 per home	100 (excluding radio)		valve or crystal set — private or public use additional licence for car set private or public use
SWITZERLAND (Sw. fr.)	26 per home 52.80 (28.80 + 24 copyright fees)	84 (excluding radio) 192 (168+24 copyright fees)	*Télédiffusion* 44.40 (low frequency) 47.40 (high frequency) 70.80 *Rediffusion* 104 (78+26) 130.80 (78 + 52.80)	valve set — private use public use private use public use private use private use public use private use public use
TUNISIA (Din.)	1.500 per set 2.115 per set or 4.225 per set	—		crystal or valve set — private use public use

[9] The television licence can be issued only to holders of radio licences.

COUNTRY	Annual fees (in national currency)			Type of set and methods of assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
TURKEY (£ T)	2 per set 5 to 10 per set 20, 30 or 50 per set			crystal set — private use valve set — private use public use additional licence for car set
UNITED KINGDOM (£ s.d.)	1 per home	3 (including radio) +1 (excise duty)	Only receiving licences for radio and television are required	crystal or valve set — private or public use, free or charged for additional licence for car set private or public use, free or charged for
USSR (Rouble)	36	120	60	valve set — private or public use private or public use private or public use
YUGOSLAVIA (Din.)	240 per set 3000 per set			crystal set — private or public use valve set — private or public use additional licence for car set

* Licence fee at 31st December 1957.

** Licence fee at 31st December 1958.

Note: No licence payable in: Andorra, Monaco, San Marino and Vatican City.

In Part A (Technical) of E.B.U. Review No. 63 *you will find*

an article by Sir Harold Bishop on the new BBC Television Centre in London, with special reference to its technical equipment;

a paper by W. Freutel and F. von Rautenfeld on the protection ratio needed between two transmission paths amplitude-modulated by the same programme. This is a statistical study of the subjective appraisal of the quality of reception during a large number of tests;

a description by A.V. Lord of a standards converter designed by the BBC to facilitate television exchanges between Europe and North America;

news items concerning the technical activities of sound and television broadcasting services, describing notably the development of the National and Commercial television services in Australia, a mobile Eurovision Technical Centre recently taken into service in Austria, the CBC television studios at Montreal and Toronto, the new " scatter " link between metropolitan France and Algeria for television, the use of electricity supply wiring for programme distribution in Japan, the progress of broadcasting in New Zealand during 1959/60 and the new direction-finding installation at the BBC Receiving and Measuring Station at Tatsfield;

tables showing the bands of frequencies allocated to the sound and television broadcasting services at the Administrative Radio Conference (Geneva, 1960);

changes to be made to the sound and television broadcasting spectrum in Europe as on 1st September, 1960;

a table showing the occupation of Bands I, III & IV by television stations in the European Area as on 1st September, 1960;

a brief account of the meetings of the Permanent-Network Mixed Committee.

NEWS AND INFORMATION

UNESCO

Agreement on the Importation of Educational, Scientific and Cultural Materials. — June 1960 was the tenth anniversary of the adoption of this Agreement by the General Conference of Unesco. On 21st May 1952 it entered into force upon ratification by ten countries. After its first decade the Agreement has 33 contracting States: Afghanistan, Austria, Belgium, Cambodia, Ceylon, Cuba, Denmark, El Salvador, Finland, France, Germany (Federal Republic), Ghana, Greece, Guatemala, Haiti, Israel, Jordan, Laos, Luxembourg, Malaya (Federation of), Monaco, Netherlands, Norway, Pakistan, Philippines, Spain, Sweden, Switzerland, Thailand, United Arab Republic (Egypt), United Kingdom, Viet-Nam, Yugoslavia.

During these ten years the Agreement has been remarkably successful in carrying out its aim of promoting the free flow of ideas by word and image; it achieves this by reducing tariff and trade obstacles to the circulation of materials by which ideas are disseminated—for instance, newsreels, educational films and recordings, as well as books, newspapers, etc., are granted duty-free entry in contracting States. Almost a thousand million people now benefit from the Agreement.

INTERNATIONAL MUSIC COUNCIL

Seventh International Rostrum of Composers. — For the seventh time, this international Rostrum brought together representatives of radio organisations from many countries—22 this year—in order to arrange exchanges of works by contemporary composers.

For the 1960-61 season, *The Diary of a Madman*, a one-act opera by the English composer Humphrey Searle, based on a text by Gogol, was selected as the best work heard. The second choice was *The Twilight Crane*, an opera by Sven-Erik Bäck of Sweden, based on a Japanese legend, and the third was a composition *Music for String Orchestra, Trumpets and Percussion* by Grazyna Bacewiczowna of Poland. These works have been specially recommended to broadcasting stations and gramophone companies.

GERMANY (Federal Republic)

Commercial Television Company. — The second television system [1] has been brought nearer by the signature of the administrative agreement setting up a new commercial television company, *Deutschland Fernsehen, G.m.b.H.*, by Dr. Adenauer on behalf of the Federal Republic and by Herr Schäffer, Minister of Justice, on behalf of the *Länder*.

Although the new company can now go ahead with the production of programmes preparatory to going on the air on 1st January 1961, the *Länder* have not approved the action taken by Herr Schäffer on their behalf.

[1] See *EBU Review* No. 58 B, p. 26.

Experimental School Television. — The Nord- und Westdeutscher Rundfunkverband is to run an experiment in television for schools in order to discover the possibilities of this method of teaching. The experiment will be limited to 30 schools in the reception area of the NWRV and will probably be transmitted between 6 and 7 p.m., i.e. outside the hours of the joint West German television programme. The themes to be covered are natural science, technical subjects, geography and political education.

SWITZERLAND

SSR Accounts for Financial Year 1959. — Details of the accounts of the Société Suisse de Radiodiffusion during 1959 are given in the illustrated *Annuaire 1959* and in the Reports presented at the 30th General Assembly of the SSR by the Director-General, Mr. M. Bezençon, and the Administrative Director, Mr. D. Carl.

Sound Broadcasting: At the end of 1959, the number of radio and wired-broadcasting licence holders totalled 1,387,877 (an increase of 16,908 for radio and 23,374 for *télédiffusion*). The gross yield from licence fees amounted to 36,797,363 francs of which the SSR received 25,106,753 francs, or 70% of the total.

The six studios (three services) received the sum of 19,755,700 francs, divided up as follows: Beromünster 44.5%, Sottens 33%, Monte Ceneri 22.5%.

Television: The number of television licences rose from 50,304 to 78,700. Of the sum of 4.9 million francs provided for by the budget, 70% was set aside for the programmes. Running expenses were kept within the limits of the sum allocated for the purpose.

UNITED KINGDOM

Inquiry into the Future of Broadcasting. — A committee has been set up to inquire into the future of sound and television broadcasting, its terms of reference being as follows:

> " To consider the future of the broadcasting services in the United Kingdom, the dissemination by wire of broadcasting and other programmes, and the possibility of television for public showing;
>
> to advise on the services which should in future be provided in the United Kingdom by the BBC and the Independent Television Authority;
>
> to recommend whether additional services should be provided by any other organisation; and
>
> to propose what financial and other conditions should apply to the conduct of all these services."

Announcing the inquiry in the House of Commons in July, the Postmaster General also stated that the Government had decided to extend the BBC's charter and licence from 30th June 1962 to 29th July 1964, the expiry date of the Television Act.

BOOK REVIEWS

Broadcasting without Barriers, by George A. Codding Jr. Unesco, Paris, 1959. (167 pages, price $3.00; 15s.; 10 NF 50.)

Mr. Codding's study of broadcasting on an international scale was commissioned by Unesco. It is concerned primarily with sound radio and the chapter on television is confined mainly to the impact of the new medium on sound.

The author describes the origins of broadcasting and traces its rise to an influential world-wide medium. He discusses the problems of domestic broadcasting and describes the different systems in the various countries. He also enquires into the differing role of the medium throughout the world, from the advanced countries, where receiver statistics are estimated on the basis not of families per receiver but of receivers per family, to the under-developed countries where community sets and wired broadcasting services are widely employed and radio is used to educate and help to raise living standards.

There is a broad survey of international broadcasting, programme exchanges, and the problems affecting the free flow of transmission across frontiers.

Turning to the question of frequencies, Mr. Codding, who has worked with the International Telecommunication Union (ITU), relates in detail the ITU's efforts to secure agreement on the distribution of frequencies for broadcasting.

Broadcasting without Barriers is well annotated and illustrated with pictographs and photographs. Appendices include a list showing the distribution of radio receivers in 140 countries, a glossary of technical terms and a selected bibliography.

Successful Television and Radio Advertising, by G. F. Seehafer and J. W. Laemmar. London, McGraw-Hill Publishing Company Ltd., 1959. (648 pages, price 76s.)

First published in 1951 under the title *Successful Radio and Television Advertising*, this is now an entirely new book reflecting the new roles of television and radio and treating each as a separate medium. It is a voluminous work which demonstrates the tremendous importance of broadcasting in the United States as an advertising and sales medium. The book deals exclusively and exhaustively with the television and radio advertising industry, and it is claimed that the principles stated can generally speaking be followed by advertisers in most countries.

Part I contains a detailed account of the American system of radio and television and includes separate chapters on stations, networks, the audience and colour television. Part II covers the creation, sponsorship and production of radio and television programmes and commercials, from the advertiser's viewpoint. Part III deals with various aspects of research for radio and television advertising and contains chapters on the testing of programmes, programme ratings, and methods of measuring the sales effectiveness of broadcast advertising. Part IV describes the functions and activities of advertising agencies and the planning and handling of advertising campaigns. Part V covers the fundamental aspects of station management, an understanding of which is considered to be essential if radio and television are to be used effectively as advertising media. A comprehensive glossary and an index complete this important work.

The Art of Radio, by Donald McWhinnie. London, Faber and Faber, 1959. (190 pages, price 21s.)

Mr. McWhinnie is one of the most distinguished of the BBC's younger producers, an Italia Prize winner, and well qualified to write a critique of sound radio. In this field one cannot help but admire the author's sense of dedication: "I know of no more fruitful occupation than giving oneself with writer and actors to a single-minded creative process, to the making of an artistic experience which, however ephemeral, will be true for those who take the trouble to see it clear, and in which no inartistic consideration need operate." It is this unshakeable belief in the worthwhileness of radio as an art form that communicates itself to the reader and, coupled with the writer's intimate knowledge of his subject, makes this such an absorbing study.

Mr. McWhinnie gives us a glimpse of the exciting possibilities that are open to the radio producer and the potentialities of his art, drawing on his own experience and working knowledge to show what can be done. Of particular interest is the detailed and remarkably lucid account of the technical and aesthetic problems which face the members of the team who work together to create the radio performance. The analyses of actual productions of scripts seem to be perhaps the most fascinating part of the book and few intelligent listeners could fail to be interested in his description of the process of creative production.

TV Tape Commercials, by Harry Wayne McMahan. New York, Hastings House Publishers, Inc., 1960. (108 pages, price $4.50.)

Mr. McMahan, who is known to our readers as the author of *The Television Commercial* and *Television Production*, has now written a best-seller on the use of television tape in the production of commercials. As we have come to expect, Mr. McMahan deals both knowledgeably and exhaustively with his subject.

Fully illustrated chapters include descriptions of: the tape revolution in relation to television commercials; tape commercials in action; the advantages of tape recording; television as a selling tool; how tape works; production and editing techniques.

This is Television, by Richard Carrickford. London, Frederick Muller Ltd., 1959. (62 pages, price 10s.6d.)

This book, explaining in non-technical terms what television is and how it works, is written ostensibly for the younger reader but will be read to advantage by older readers with no inside knowledge of the medium. The accompanying illustrations are apt and often amusing.

The author has drawn on his wide experience in the field to give a simple explanation of the first principles of television and a description of the various elements, mechanical and human, that contribute to the finished programme. His book gives an idea of how programmes are prepared, what goes on inside the studio, how the performers prepare for a show, how networks are operated and programmes checked, and how transmitters and receivers work.

A useful glossary of common terms used in television is appended.

LEGAL SECTION

THE NORWEGIAN LITERARY COPYRIGHT BILL

by BJÖRG KRAGEM

Legal Adviser, Norsk Rikskringkasting

By Royal Decree of 8th January 1960 a " Bill respecting Copyright in Literary Works " was tabled in the Norwegian Storting. It is assumed that the Bill will be dealt with by the Storting in the course of the autumn of 1960. The present Norwegian Act respecting Copyright in Literary Works, of 6th June 1930, will be abrogated as from the day on which the new Act enters into force.

The new Bill is the result of a joint Scandinavian project and corresponds in both structure and policy in all material respects to the copyright Bills now under consideration in the other Nordic countries. The Norwegian Bill diverges from the others on some minor points of detail, but this is due either to tradition or to special circumstances which make it natural for Norway to maintain or establish its own rules. These deviations are, however, so limited in number and in scope that they do not amount to a breach in the legislative unity which it is intended to establish in Scandinavia.

The principles underlying the Norwegian Bill are briefly summarised below.

The intention is that the author of a work shall enjoy as far as possible the same protection afforded to him by the existing Norwegian Literary Copyright Act, and to this end the arrangement and terminology of the Bill conform closely to the present legislation. Regard has been had to questions which have assumed greater importance in recent years for the author of a literary work on account of developments in broadcasting, television, the gramophone industry, tape-recording and other new methods of reproduction. Attention has also been paid to the relations which have grown up out of wider international co-operation; among other things the Bill, if enacted into law in its present form, should enable Norway to ratify the Berne Convention as revised in Brussels in 1948.

The following is a survey of the provisions in the Bill which are thought to be of special relevance to sound broadcasting and television.

I

Like the existing Act the Bill is based on the fundamental concept that the author, subject to the exceptions stipulated in the Bill, should have the sole right to dispose of his work. He should be able to copy it, make it accessible to the general public in the original or in an adaptation, in translation or in a modified version, in some other literary or artistic medium, or in another technical form.

The provisions which limit the author's copyright are set forth in detail in chapter 2, sections 11-24, of the Bill. Under section 13 it is permissible " to *quote from* a published work in conformity with accepted practice, and to the extent the purpose warrants it ". With the same limitation it will also be permissible to reproduce published artistic works in critical or scientific writings as a supplement to the text.

This provision corresponds in essence to the existing law. It is true that in the Literary Copyright Act of 1930 it is permitted " to quote certain passages or small sections "; the new wording will, however, scarcely lead to any change in practice, though the requirement that the right of quotation be exercised " in conformity with accepted practice and to the extent the purpose warrants it " implies an obligation to keep the right in future within a natural and reasonable limit. A new provision is embodied in section 13 (2) to the effect that the author is entitled to remuneration when more than one of his artistic works are reproduced in a general news report.

In connection with the right of quotation, mention may be made of the right to *report* the contents of a literary work. Although it is not expressly stated, it follows from the Bill that the ordinary right of reporting as required in the daily Press and broadcasting may in principle be exercised without infringing the provisions concerning the author's exclusive rights.

With regard to the right to *reproduce* another's work it may be said at the outset that the Bill places Norsk Rikskringkasting, the Norwegian Broadcasting Corporation, in a freer position than is the case today. In the first place there is the new provision in section 20 (2) concerning a compulsory licence for the benefit of " sound broadcasting and television ". This provides that if Norsk Rikskringkasting has made a collective agreement with an organisation which represents a majority of

Norwegian authors in the area for the transmission of works of a certain description, it has the right to broadcast similar published works of authors who do not belong to the organisation in question. In such a case the author is entitled to remuneration. If the parties cannot reach agreement on the size of the fee, either of them may demand that it be fixed according to rules laid down by the Crown, this determination being binding. Exceptions to the compulsory licence provision are stage works and cases where the author has expressly prohibited broadcasting. Although the provision only establishes a compulsory licence of limited scope, it is expected to have considerable practical significance for the broadcasting corporation.

Under section 23 an artistic work may be reproduced in motion pictures or on television if its inclusion therein is only by way of background or is otherwise only incidental to the principal matters represented in the programme or film, on condition that the artistic work has been published or that the author has parted with a copy of the work. In such an event the author is not entitled to remuneration.

The broadcasting corporation's news and current events reporting service is favoured by a new provision in section 19. If the performance or execution of a work is an integral part of a news event which is broadcast or filmed, the work may be included in the report of such event without remuneration being due to the author.

This provision will make it possible to reproduce a work in its entirety, and there has been some discussion as to how such an invasion of the author's rights will appear in the light of Article 10 *bis* of the Berne Convention, which refers only to the reproduction in reports on current events of short excerpts of literary and artistic works.

According to the explanatory memorandum by the Ministry for Education and Religious Affairs " the reproduction will always be of modest and insignificant scope, of short duration and cursory by its very nature. It will never be able to afford a complete appreciation of the artistic work and thus take the place of a real reproduction of the work. Taken as a whole, therefore, it will only amount to a part or fragment of a regular reproduction of the work ". The Ministry accordingly feels able to assume that the rule contained in section 19 will satisfy the interests which it is the aim of the Berne Convention to protect in Article 10 *bis*.

In connection with the reporting of news it may also be mentioned that the Bill, like the existing Act, provides in section 9 that " acts, administrative regulations, judicial decisions and other official documents " are not the subject of copyright. Section 22 carries this rule a step farther by laying down that anything else that takes place in the course of public or judicial deliberations (e.g. oral and written representations) may be reproduced without restriction. This applies to " deliberations in the Storting, municipal councils, meetings of other elected authorities, courts of law and at public meetings which are held to deal with general matters ". It also applies to the " debate programmes in Norwegian broadcasting at which general questions are discussed ". The provision will cover all public representative gatherings, both the deliberations in plenary assembly and the proceedings in committees, commissions and the like. The reproduction of these proceedings may be effected by publication in print, by transmission on radio or television, by film performance, etc.

As in the existing legislation, news reporting will continue to be subject to a limitation in respect of press reports which are by agreement supplied by foreign news bureaux or by correspondents abroad. These cannot be made accessible to the public through the Press or by broadcasting without the receiver's consent until 16 hours have elapsed after they are published in Norway. In this case it is not the news itself which is protected; what is prohibited is the appropriation of the news item from the specific source in question. If the news is obtained from another foreign source, there is nothing to prevent its being published before the 16-hour period has elapsed.

Section 20 (1) contains an exception to the author's *exclusive right to copy the work* which is designed to benefit sound broadcasting and television. Norsk Rikskringkasting may record a work on tape, film or other contrivances capable of reproducing it if the broadcasting corporation is authorised to include the work in its programmes. The condition is that such recording be effected by means of the corporation's own facilities and for use in its own transmissions. The detailed regulations for the use and preservation of these recordings are to be laid down by the Crown, and it is expressly stated in the explanatory memorandum that these regulations must be so framed as to satisfy the conditions in Article 11 *bis* (3) of the Berne Convention concerning the use and retention of ephemeral recordings.

The Copyright Act of 1930 has no provision corresponding to the new section 20 (1), but hitherto it has also been the practice for the Norsk Rikskringkasting to make recordings for use in its transmissions without special consent from, or payment to, the author.

As in the current legislation, section 11 provides an exception as respects the copying of a published work for private use. It appears from the explanatory memorandum that this exception will also cover the writing out of actors' parts for use in staging television and radio plays.

II

The " *droit moral* " provision in the new Bill has been strengthened and given a more prominent position than the one it occupied in the existing Act. According to section 3 of the Bill the author has the right " to be named, as good practice recommends, both on copies of the literary work and when the work is performed in public ".

If another person has the right to alter the literary work or adapt it for performance or showing in public, such alteration or adaptation " must not be done in a manner injurious to the author's literary, scientific or artistic reputation or personality ". This last provision widens the protection afforded to the author under the present Act, since in addition to being protected, as heretofore, against changes being made in his literary work, he will also be protected under the new Bill against the presentation of the original work to the public in an injurious manner or in an unsuitable context.

The provision in section 3 applies both when the adaptation or use of the work is made with the author's consent and when it occurs by virtue of the provisions of the Act. In the latter case the Bill introduces a further safeguard. If another person has the right to reproduce a work pursuant to the provisions of the Act without the author's consent, it is not sufficient merely to mention the author's name. Section 24 requires also that the source " be stated in a manner consistent with good practice ". In these cases reproduction may only be effected " in the size and form which is required for the purpose, and the character of the work must not thereby be altered or impaired ".

Under the existing Act it devolves on the Ministry for Education and Religious Affairs to see to it that the author's moral rights are maintained after his death. In section 28 of the Bill the right of bringing action is extended to a surviving spouse and to any of the author's relatives in the direct ascending or descending line, to adoptive parents, adoptive children and brothers and sisters, irrespective of whether they are the proprietors of the copyright or not.

Furthermore, the Ministry for Education and Religious Affairs still has the power, pursuant to section 48, to prohibit publication of a literary work in changed form after the death of the author " if this is prejudicial to the author's literary, scientific or artistic reputation, or must otherwise be deemed liable to be detrimental to general cultural interests."

III

Chapter 5 of the Bill contains new provisions respecting protection for performing artists, makers of gramophone records, broadcasters, compilers of catalogues, forms, etc.

Performing artists enjoy no general protection under existing Norwegian law, and the only provisions now in force in this sphere are those contained in the provisional Act of 2nd June 1960 (amending the Act of 14th December 1956) concerning royalties on public performances of renderings and interpretations by performers. The royalty is paid into a fund administered by the Ministry for Education and Religious Affairs. This Act, however, confines itself to settling various economic questions concerning the performers and confers only a limited legal protection. Section 42 in the new Bill amplifies this protection, as under it the performer's live performance, rendering, etc. may not, without his consent, be—

(a) recorded on a gramophone record, film, recording tape or other contrivance capable of reproducing it;

(b) broadcast live on sound broadcasting or television;

(c) communicated by simultaneous transmission by any other technical means to an audience other than the audience to which the artist performs directly, i.e. in person.

In addition, the performer will be secured for a term of 25 years against the copying, without his consent, of a gramophone record, recording tape, film or other technical contrivance embodying his original performance.

If the original recording is used in public for purposes of pecuniary gain a royalty will be payable, in accordance with the Act of 2nd June 1960.

The performers' ancillary rights are subject to the same restrictions as copyright in respect of quotations (section 13), current events (section 19), and recordings for sound broadcasting and television (section 20).

The protection of *droit moral* is somewhat smaller in scope for the performer than for the author. However, a performing artist will likewise be entitled to have his name mentioned " according to good practice, both on recordings of his performance and when the performance is communicated to the public ".

The expression " performing artist " is not defined in the Bill, but it follows from the explanatory memorandum that section 42 will in general inure to the benefit of reciters, actors, musicians, singers, conductors, dancers, producers, etc. A producer will, however, also be able, according to section 4, to qualify as an author, depending on whether the production constitutes an independent literary or artistic creation, thereby presenting the original work in a new form.

Makers of gramophone records and other sound recordings of performances by performing artists are entitled under the Act of 2nd June 1960 to a certain share of the royalties accruing to the fund. In addition the gramophone manufacturers can probably now reckon on a certain degree of protection against copying, under the law on unfair competition. This may be somewhat doubtful, however, and an unequivocal provision affording protection against the copying of gramophone records and other sound recordings has therefore been embodied in the new Copyright Bill. The effect of section 45 is to prohibit copying without the manufacturer's consent for a period of 25 years from the making of the recording. The condition for protection is that the recording must bear the year date when it was made. Moreover, this protection is subject to the same limitations with regard to quotations, current events and the right of the broadcasting corporation to make recordings for its own use.

Section 45 contains a new provision protecting *forms, catalogues, tables, programmes and similar works*. Works of this kind must not be copied without the consent of

the person who has made them before 10 years have elapsed from the date of publication. An exception to the protection is made for the right of quotation. The provision will have significance for the broadcasting corporation's programme surveys. On the strength of a decision of the Norwegian Supreme Court in 1940 it had been assumed that such programmes are not the subject of copyright.

If a form, catalogue or similar work—wholly or partially—can be regarded as a work within the meaning of the Bill relating to copyright in literary works, it will be possible to enforce the copyright. In other words, the protection given under section 45 is supplementary to copyright.

Radio and television broadcasts are protected by provisions in the Broadcasting Act of 24th June 1933. According to this Act it is forbidden to use a radio or television receiver for the purpose of making technical recordings of programmes without the express permission of Norsk Rikskringkasting, except recordings made exclusively for private use. The consent of the broadcasting corporation is further required before programmes may be used for the purpose of pecuniary gain or before a receiver may be used publicly or semi-publicly. These rules have been adequate for the needs which have hitherto emerged in Norway. Experience from abroad and the international work being carried on in this field, however, indicate that there may be a need for protection over and above that provided under current legislation, at any rate where television is concerned. In the Bill regard has been had to these possibilities, and it is laid down in the last clause of section 45 that " the Crown may determine under what conditions it shall be lawful to communicate a broadcast programme to the public or to record such a programme on contrivances capable of reproducing it ".

IV

Under the Act of 1930 copyright subsists in the works of Norwegian subjects and the works of foreign nationals which are published for the first time in Norway. In deference to the Berne Convention and the other international Conventions relating to copyright protection, the United Nations Convention of 1951 relating to the legal status of refugees, etc., the new Bill has been widened in scope in such a way that copyright will now subsist in any literary work created by a Norwegian subject, by a person who is domiciled or resident in Norway, or by a stateless person or refugee who has his usual place of abode in that country. Copyright will further subsist in works which are published for the first time in Norway, works which are published in this country within 30 days of their first publication in a foreign State, buildings which are erected in Norway and in the works of art which form part of such buildings.

The provisions concerning protection of performing artists, manufacturers of gramophone records, broadcasters and the makers of forms, catalogues, etc. will apply in respect of services performed by Norwegian subjects, persons domiciled in Norway, stateless persons or refugees whose usual place of abode is in Norway and companies which have Norwegian boards and have their registered head offices in Norway.

By Royal Decree the provisions of the Bill may be made to apply to works by subjects of a foreign country or to works which are protected in another country, always on the assumption of reciprocity.

NEWS AND INFORMATION

I.L.O. — UNESCO — BERNE UNION

Draft Convention for the Protection of " neighbouring rights ". In the last number of the *EBU Review* an analysis was printed of the draft Convention drawn up at The Hague from 9th-21st May 1960 by a Committee of Experts convened by the I.L.O., Unesco and the Berne Union. Here we expressed the hope that we would be able to print the official text as soon as it was in our possession. It is now given below as communicated to governments by the three inter-governmental organisations.

Draft International Convention concerning the Protection of Performers, Makers of Phonograms and Broadcasters

(As approved unanimously by the Committee of Experts)

The Contracting States, moved by the desire to protect the rights of performers, makers of phonograms and broadcasters,

Have agreed as follows:

Article 1

This Convention shall be effective in respect to those Contracting States which are parties to the Universal Copyright Convention or members of the International Union for the Protection of Literary and Artistic Works.

Article 2

The protection granted under this Convention shall leave intact and shall in no way affect the protection of the rights of authors of literary and artistic works or of other copyright proprietors. Consequently, no provision of this Convention may be interpreted as prejudicing such rights.

Article 3

Each Contracting State shall grant to performers, makers of phonograms and broadcasters, in respect of their performances, phonograms and broadcasts, when

the country of origin of such performances, phonograms or broadcasts is another Contracting State, the same protection which it grants to its own nationals in respect of performances taking place on its territory, phonograms recorded or published on its territory and broadcasts transmitted on its territory.

Article 4

For the purpose of enjoyment of protection under this Convention, the country of origin shall be considered to be:

(a) in the case of performances, the country where the performance took place; however, when the performance has not taken place in a Contracting State, and when a phonogram or a broadcast has been made thereof, its country of origin shall be considered to be the country defined in subparagraph *(b)* or *(c)* below;

(b) in the case of phonograms:

(i) if published, the country of first publication; in the case of phonograms published simultaneously in a non-Contracting State and in a Contracting State, the latter shall be considered exclusively as the country of origin; a phonogram shall be considered as having been published simultaneously in several countries which has been published in two or more countries within thirty days of its first publication;

(ii) if unpublished, the country in which the first fixation of sounds was made, provided it was made by a national of a Contracting State;

(c) in the case of broadcasts, the country where the broadcaster has its headquarters or the country where the broadcast is transmitted; however, any Contracting State may, in a declaration made and deposited with the depository of this Convention, require, for protection under this Convention, that the headquarters of the broadcaster shall be located on the territory of a Contracting State and that such broadcasts shall be transmitted from such territory.

Article 5

1. The protection provided for performers by this Convention shall include the possibility of preventing:

(a) the fixation, the broadcasting and the communication to the public of their live performances, without their consent;

(b) the fixation without their consent of their live broadcast performances;

(c) the reproduction without their consent of a fixation of their performances:

(i) if the fixation itself is unlawful;

(ii) if the reproduction is made for purposes different from those for which the performers had given their consent;

(iii) if the fixation was made in accordance with the provisions of Article 14 and the reproduction is made for purposes different from those provided for by the said provisions.

2. If broadcasting was consented to by the performer, it shall be a matter for national laws and regulations to regulate the protection against rebroadcasting, fixation for broadcasting and the reproduction of such fixation for broadcasting purposes.

3. The terms and conditions governing the use by broadcasters of fixations made for broadcasting shall be determined in accordance with national laws and regulations.

Article 6

Any Contracting State may, by its national laws and regulations, specify the conditions under which performers exercise their rights, if several of them participate in the same performance.

Article 7

For the purpose of this Convention, " performance " means the recitation, presentation or performance of a literary or artistic work. It shall be a matter for national laws and regulations to extend the protection to artistes who do not perform literary or artistic works.

Article 8

Makers of phonograms shall enjoy the right to authorise or prohibit the reproduction of their phonograms either directly or when broadcast.

Article 9

If a Contracting State, under its national laws and regulations, requires as a condition of protection of phonograms compliance with formalities, these requirements shall be considered to be satisfied, as regards the makers of phonograms and the performers, if all the copies in commerce of the published phonogram bear the symbol (P) accompanied by the name of the Contracting State in which the first publication took place and the year date of this first publication placed in such a manner and location as to give reasonable notice of claim of protection.

Article 10

For the purpose of this Convention:

(a) " phonogram " means any exclusively aural fixation of a performance or other sounds;

(b) " maker of phonograms " means the person or corporate body who first fixes a performance or other sounds in material form;

(c) " publication " means the multiplication of copies of the phonogram and the offering of such copies to the public in reasonable quantity.

Article 11

If a phonogram published for commercial purposes, or a reproduction of such phonogram, is used directly by a broadcaster or for any method of communication to the public, a single equitable remuneration shall be paid by the user to the performers, to the makers of phonograms or to both. National laws and regulations may, in the absence of agreement between these parties, lay down the conditions as to the sharing of this remuneration.

Article 12

Broadcasters shall enjoy the right to authorise or prohibit:

(a) the rebroadcasting of their broadcasts;

(b) the fixation of their broadcasts;

(c) the reproduction of unlawful fixations or of fixations made in accordance with the provisions of Article 14, if the reproduction is made for purposes different from those provided for by the above-mentioned provisions;

(d) the communication to the public of their television broadcasts if such communication is made in places accessible to the public against payment of an entrance fee. It shall be left to national legislation to determine the conditions under which this right may be exercised.

Article 13

1. The period of the protection granted, under the terms of this Convention, to performers, makers of phonograms and broadcasters, shall be determined by the law of the country where the protection is claimed. However, no Contracting State shall be obliged to grant protection for a longer period than that fixed by the law of the country of origin.

2. Nevertheless, the period of protection under this Convention shall in no case expire before the twentieth year following:

(a) for performances, the end of the year in which the performance took place;

(b) for unpublished phonograms, the end of the year of the fixation; for published phongrams, the end of the year of first publication, if the latter took place within the period of protection provided for unpublished phonograms;

(c) for broadcasts, the end of the year in which the broadcast took place.

Article 14

Any Contracting State may provide exceptions, under its laws and regulations, to the protection of performers, makers of phonograms and broadcasters, with respect to:

(a) private use;

(b) use of short excerpts in connection with reporting of current events;

(c) ephemeral fixation by a broadcaster by means of his own facilities and for his own broadcasts;

(d) use solely for teaching purposes.

Article 15

1. Ratification or accession by a Contracting State shall imply full acceptance of all the obligations and admission to all the advantages provided by this Convention. However, a Contracting State may specify, in its instrument of ratification or accession:

(a) that it does not intend to grant the right provided for in Article 11 or that it intends to restrict it in relation to any of the uses mentioned in that Article;

(b) that it does not intend to be bound by one or more of the provisions of Article 12.

2. If a Contracting State makes such a declaration, the other Contracting States shall not be obliged to apply the reserved provision or provisions in their relations with such a State.

Article 16

No provision of this Convention may be interpreted as applying to the reproduction or any use of motion pictures or other visual and audio-visual fixations, except the provisions contained in Articles 12 and 5, other than paragraph 1 *(c)* (ii) of the latter.

Article 17

This Convention is without prejudice to rights acquired in any Contracting State prior to the date of the coming into force of this Convention in such State.

GERMANY (Federal Republic)

Protection of Television Broadcasts. Judgment on Appeal. — Giving judgment on 15th March 1959, the Hamburg *Landgericht* found that the defendant, the owner of a chain of cinemas, had acted tortiously by publicly exhibiting World Football Championship matches relayed from Stockholm by the *Nord- und Westdeutscher Rundfunkverband* (NWRV) to an audience that had paid for admission [1]. The case went up to the court of appeal, and on 7th July 1960 the Hanseatic *Oberlandesgericht* of Hamburg affirmed the judgment of the lower court on the following grounds.

1. Section 1 of the Copyright (Artistic and Photographic) Act of 9th January 1907[2], hereinafter referred to by its German abbreviation KUG, grants protection to photographic works. Section 3 of the same Act states that works produced by a process analogous to photography are deemed to be photographic works. The protection given is that of a " neighbouring right " and does not flow from copyright because it does not subsist in an original creation of artistic value. This

[1] See *EBU Review*, No. 55 B, p. 29.

[2] See *Droit d'Auteur*, 1907, p. 17.

distinction, however, has no practical importance except as regards the term, as in all other respects a photographic work is on all fours with a work of figurative art and its author enjoys in any event the exclusive right " to exhibit it *(vorführen)* commercially by means of mechanical or optical contrivances " (section 15 KUG).

2. A televised picture must be deemed to come within the purview of Section 3 KUG, and protection inheres in it as soon as the " producer " has selected it to go out on the air, whether or not it has previously been recorded. The adaptation of section 3 to technical advances implies that any image produced by a process analogous to photography qualifies as a " work ", even where the element of fixation is absent.

3. The defendant gives an " exhibition " when he " commercially " shows the television image in the cinemas he operates and causes it to be seen by an indeterminate number of persons having no relation to the set used. In so doing he infringes the exclusive right established by section 15 KUG.

4. Under section 18 (3) of the Copyright (Literary and Musical) Act of 19th June 1901 [1], the sundry happenings of everyday life and the news of the day reported in newspapers and magazines may be reproduced without restriction. But this exemption cannot be claimed in the case in point because it was not carried over into the KUG, although it was promulgated after the literary and musical Act. Moreover " freedom of information " refers only to free access to the source of news and cannot be used to justify the use of pictures taken by someone else.

5. Similarly, the defendant cannot rely on the Act to facilitate cinematographic news reporting, of 30th April 1936 [2], under which newsreel firms may without a licence record those copyright works which are caused to be seen or heard in the course of the events they film. It is true that the second clause of this provision gives these firms the right to reproduce, distribute and exhibit the films so made in public for the purpose of newsreel reporting, but it does not allow a cinema exhibitor to show a newsreel without the maker's consent. The sole purpose of the 1936 Act is to create a licence as regards copyright works, but it institutes no such licence as against the newsreel itself. Otherwise a newsreel maker could simply help himself wholly or partly to footage produced by his competitors.

6. The defendant further infringed section 1 of the Unfair Competition Act, which refers to acts contrary to public policy committed under the guise of competition in a commercial context. Admittedly, this provision applies only where a state of competition exists between the parties, but such a state is not ruled out by the fact that the plaintiff is a public service agency. Like the defendant, the plaintiff has to satisfy the public, and it does so by ordinary business means by entering into contracts with authors and performers or with the promoters of sporting events. This being so, the services rendered by the two parties are of the same type and are in a context of mutual competition. This is in no wise affected by the fact that the plaintiff operates a monopoly, since the monopoly relates only to the technical vehicle and not to the performances or services in themselves. The defendant thus commits an act of unfair competition when he avails himself of these services without giving anything in return. He avoids any newsreel rental or other charges, paying only DM 5 per month for a viewer's licence, taking new subscribers away from the plaintiff and causing difficulties for it in its dealings with the promoters of sporting events.

7. The defendant cannot properly take the point that a breach of the principle of equality of all citizens enshrined in Article 3 of the Constitution was committed by the plaintiff by not prohibiting the showing of its broadcasts in cafés and similar places. According to the Court there is no comparison between such public reception and organised large-screen projection in cinemas.

8. It is true that the television licence issued by the Postal Administration authorises the use of receiving sets for commercial purposes. It should, however, be made clear that this licence relates only to the installation itself and leaves the broadcaster's rights intact. It expressly reserves any copyright rights, and this reservation should be taken to apply not only to the rights in the subject-matter of the broadcast but also to the rights in photographs under section 3 KUG. In other words, the licence granted by the Administration concerns only that portion of the State's right of communication which is conceded to the subscriber, but does not affect the rights belonging to the broadcaster itself, which rights are expressly reserved to it.

For these reasons the Court dismissed the appeal and affirmed the judgment *a quo*. The Court's decree is not yet binding, however, and it seems highly likely that an appeal will be lodged in the Federal Court.

ITALY

Apropos of " elaborated ideas. " — Broadcasting is a fertile field which produces a heavy crop of " original " suggestions and proposals from the public regarding ideas that might be applied and programmes that might be given, and so the issue decided by the Turin Court of Appeal on 14th April 1960 in an action brought by a lady against the RAI is of particular interest. The lady in question complained that the RAI had broadcast, under the title of "Anni verdi " (The Green Years), a television series of her creation, without her consent and without acknowledgment of authorship. The lady had submitted first to the SIAE (the performing right society) and then to the RAI various " outlines " containing

[1] See *Droit d'Auteur*, 1901, p. 85.
[2] See *Droit d'Auteur*, 1936, p. 61.

ideas for subjects to be dealt with in a *series* of television features. The Turin Court dismissed the claim, holding that these ideas, quite apart from the fact that they were not original, could not in any way be regarded as works of the intellect in which copyright could subsist. As far as can be seen from a search of the Italian law reports this is the first judgment which has brought a spirit of inquiry and a wealth of close reasoning to bear on the subject of what are known as " elaborated ideas ", a subject which has made something of a stir in copyright circles in recent years, especially as the result of a paper by Dr. Rubinstein published in *Il diritto di autore*, Rome, 1953, 43 (see also an article by the same author, " Copyright in the past and present " in *Revue internationale du droit d'auteur*, Vol. XV, 1957, 75) which, in reference to an idea of devoting a series of BBC broadcasts to a description of environments, characters and episodes of life among the poor of London, complained that this had not been recognised by the BBC as a subject in which copyright subsisted.

1. The thinking of the Turin Court may be briefly summarised—with running comments—as follows. It is indeed no easy matter to define with absolute precision, in the many and various flights of the human intellect, the concept of *spiritual creation* which is a requisite for the protection afforded by copyright, but there is nevertheless one element thereof that must be regarded as fundamental and therefore indispensable. This element is not the originality of a subject or an idea, nor indeed its newness (as in the case of a patent), but rather the physical conveying of ideas by a given medium of expression in which the author's gift (perhaps, to avoid any suspicion of an allusion to the intrinsic merit or value of the work, one should say his *manner*) of feeling, thinking and expressing himself—i.e. his personality—is revealed. (Basically this concept does not differ from that of the learned authorities who say that it is necessary to be able to distinguish in a work of the mind those essential features that are typical of and peculiar to the author's personality [1].)

It is manifestly not possible to discern these characteristics in an idea or even a group of ideas which merely enunciate or indicate the subjects of a piece of work, rather like the subjects that are set for an examination, which are never treated by two persons in the same way, even though the order or division of the treatment is recommended or prescribed. In the case in point it was suggested, for example, that a television feature in a series of broadcasts should be devoted to themes relating to the life of teenagers at the present day—the " teddy-boy " generation, the cinema and youth, the thoughts and feelings that may cross the mind of a " bobby-soxer " standing at the window watching the turmoil of traffic in the street, and so on (it was further specified that one of the broadcasts should show the portrait of Françoise Sagan, another should feature a woman lawyer, the wife of a famous figure, etc. or that the announcer should be such and such a person, etc.). But no indication was given of the content of the thought and still less of the form of expression in which these subjects should be developed. The suggestion thus remained in the field of pure abstraction, or to be more exact in the field of the *genre* and kind of work which should subsequently be written, without begetting any concrete work, any actual coherent *composition*, with its own stock of ideas and its own concrete form of expression, whether the latter be literary or symbolic, musical or plastic. (The authorities and the courts in the various countries have hitherto been for the most part opposed to giving protection to " elaborated ideas " under the copyright laws [1].)

As the judgment was at pains to point out, the position is altogether different with rough drafts, outlines or sketches of works which, however tentative they may be, however subject to revision, polishing up and development, nevertheless constitute in themselves true concrete compositions, with a content and a form of their own [2].

Under the heading of outlines, for example, could be classified the " plot " *stricto sensu* of a film. Though it may be contained in only a few typewritten pages, it is undoubtedly a work of the intellect in its own right, and may be either original or (more often) derived at second hand, e.g. from an existing work; and when used in a film, it gives its " creator " the rank of a joint author of the cinematographic work thus composed.

It is true that some years ago the Paris Court of Appeal [3] gave the status of a joint author to a person who had suggested to a producer the idea for the film *L'Ecole buissonnière*, namely the idea of dealing with a subject concerning the life and environment of a secondary school. But whether or not the court's decision was the right one (and it aroused a storm of discussion and criticism), there had in this case apparently been much more than the mere suggestion of a likely subject, since the producer had been offered the outline or indeed the plot of the film, with details of episodes and scenes to be shown—that is to say, there had been collaboration or partial collaboration in the *creation* of the " plot ", i.e. the ideological content of the work.

2. The plaintiff also claimed exclusive copyright in the title suggested for the series, maintaining that the RAI had wrongfully appropriated it. This claim was

[1] Cf. Ulmer : *Urheber- und Verlagsrecht*, Berlin, 1951, pp. 75-76.

[1] Cf. *inter alia* Oberlandesgericht München, 13 March 1958; *Droit d'Auteur*, Berne, 1959, 73; Landgericht Wuppertal, 3 February 1959; UFITA, Vol. 30, 1960, 362; Tribunal civil de la Seine, 14 May 1956; *Revue trimestrielle de droit commercial*, 1958, 111; Abel, in *Droit d'Auteur*, Berne, 1960, 91, quoting a like opinion by Edmund Skone-James; De Sanctis, under keyword "Author" in *Enciclopedia del diritto*, Milan, published by Giuffrè, etc.

[2] See Ulmer : *op. cit.*, p. 82.

[3] Judgment of 7 May 1952, reported in *Droit d'Auteur*, Berne, 1953, 118, and an earlier judgment of the Tribunal civil de la Seine of 22 June 1951.

also—rightly—rejected by the Turin Court. In point of fact, under the Italian law (section 100), as also under the laws of most other countries, the title of a work is not in itself a subject of copyright, but is protected in relation to and on the basis of the work it is used to identify, and hence the obvious inference that where the work does not exist and where accordingly no copyright subsists in a work, there can be no question of copyright subsisting in a title.

3. Admittedly, the act of suggesting or preparing ideas or subjects to be worked up, together with the corresponding titles or names, may well qualify for protection under the law against appropriation by others for their own pecuniary profit, and the judgment in question rightly recognises this by ordering an inquiry to establish whether and to what extent there had been use and profit on the part of the RAI. But the protection in question is not an entitlement attaching to copyright; the entitlement is on other grounds, such as the right to proper remuneration for intellectual services rendered —in which case it is not dependent upon the idea or theme suggested being genuinely original—or possibly arises under the law against unjust enrichment or unfair competition, when the constituents of these offences are present.

These means of protection, if properly and suitably applied, might well be sufficient, even *de jure condendo*, without any need to cast about for specific protection under copyright for " elaborated ideas ". Such copyright protection, apart from upsetting the traditional nature of copyright and the subjects in which it can properly subsist, would tend to encroach upon a principle that has its roots in the necessities of civilised life, namely that ideas as such (outside the sphere of industrial patents or of trade-marks), however original they may be, are not by their very nature amenable to exclusive possession, but automatically fall into the category of *res omnium communes*. Besides this, there is the difficulty of distinguishing original ideas from non-original ones in the mass of ideas which men and women impart to one another at every moment of the day. True enough, the former are extremely rare by comparison with the latter, but experience has shown that once an exclusive right has been recognised by law, it displays a remarkable power of expansion, either on account of the multitude of claimants to such a right or on account of the compliance of the offices that have to determine to whom the right belongs, with the result that there would be a risk of trussing up the ordinary interchange of thought in a straitjacket of monopoly in ideas labelled " original ", which could only be put back into circulation years afterwards, and then only at the cost of a lawsuit.

4. Lastly, it would not seem out of place to comment on a point of terminology. In the cases mentioned above we have spoken of " elaborated ideas ", and the expression is fast becoming common currency. But the expression is, to say the least, ambiguous and lends itself to confusion. It can be said that all works of the mind are " elaborated ideas ", but they possess the characteristics mentioned above and clearly emphasised by the Turin Court, characteristics which are absent in the case in point. This quite apart from the specific sense in which certain laws (especially the Italian and the German ones) speak of *elaborazioni* or *Bearbeitungen* and others speak of " adaptations " to mean works of the mind at second hand. To dispel this ambiguity it would be desirable to find some other expressions such as " subject ideas ", " programme ideas " or the like, which although not absolutely exact, are nevertheless a bit closer to the ideas it is intended to convey.

P. G.

RAI Monopoly Tested in the Constitutional Court. — The facts of this case, which have previously been reported in the *EBU Review* (No. 52 B, p. 35), are as follows:

In an application dated 19th December 1956 a company by the name of *Il Tempo T.V.* applied to the Ministry of Posts and Telecommunications for permission to provide a visual broadcasting service financed by advertising revenue and operating in conformity with national and international regulations in six channels of the band earmarked for broadcasting under the Atlantic City Convention. The application was subsequently amended to relate to ten channels in the 470-547 Mc/s band.

In a note dated 8th March 1957 the Ministry replied that on the strength of Sections 1 and 168 (5) of the Postal and Telecommunications Code it had in 1952 granted the RAI exclusive rights to operate sound and visual broadcasting services, and accordingly could not entertain further applications for concessions.

This reply was challenged on 18th April 1957 in the Council of State on the grounds that, in the plaintiffs' view, no State television monopoly had ever been established, or alternatively that if such a monopoly existed it was unconstitutional, in that the decree approving the Postal Code was *ultra vires* of the Act authorising its promulgation by decree, and that it infringed Articles 21, 33 and 41 of the Constitution.

In an *ex parte* interlocutory decision of 15th July 1959 the Council of State dismissed the argument based on the alleged non-existence of a State monopoly. It likewise rejected as manifestly unsound the argument that the decree promulgating the Postal Code was *ultra vires*, but referred to the Constitutional Court the question whether Sections 1 and 168 (5) of the Postal Code were compatible with Articles 21, 33 and 41 (read in conjunction with Article 43) of the Constitution, to the extent that they related to television.

It will be recalled that Article 21 of the Italian Constitution guarantees to all men the right to express their views and to use any means of communication for that

purpose; Article 33 guarantees freedom for arts and sciences; Article 41 ensures freedom for private enterprise in business, while Article 43 permits " in the general interest ", the law to reserve or transfer to the State certain undertakings concerned with " essential public utilities " or " monopoly situations " which are " pre-eminently a public service ".

The decree of the Council of State was served on the parties, namely the Ministry of Posts and Telecommunications, the RAI and the *Il Tempo T.V.* company, which thereupon became parties to a suit in the Constitutional Court. The latter Court also had another case on its docket, a penal case in which the examining magistrate of the Milan Tribunal, by an order dated 13th May 1960, had remitted to it the same constitutional questions which had arisen in the course of a prosecution of the shareholders of a company called *Televisione libera s.p.a.*, who were charged with having " installed an apparatus for communication by means of electromagnetic waves without having obtained a concession from the State ". In the second case the Office of the Prime Minister became a party to the suit in the Constitutional Court, as did two of the accused. The cases were joined and the decision was handed down on 13th July 1960 at the close of a hearing in which all the parties were able to present their case. The following are, briefly, the grounds on which the Court declared that the questions as to the constitutionality of Sections 1 and 168 (5) of the Postal Code, in the light of Articles 21, 33, 41 and 43 of the Constitution, were unfounded.

1. By reason of the limited number of channels available, television is an activity which necessarily belongs among the undertakings relating to " monopoly situations " within the meaning of Article 43 of the Constitution, and hence may be taken out of the hands of private enterprise on the strength of this Article.

2. Further, it cannot be denied that at the present stage of civilisation television is of such importance that it is not unreasonable to regard it as " pre-eminently a public service " as envisaged in the same Constitutional provision.

3. Lastly, in view of the fact that if television services were not operated by the State or by an agency created by the State for the purpose, they would inevitably (on account of the limited number of channels available) come into the hands of only a few persons, doubtless moved by private interests, it is likewise not unreasonable to declare that reasons of " general interest " exist within the meaning of Article 43 which justify the exclusive allocation of such services to the State, which alone is in a position to operate them in the most favourable conditions of objectivity and impartiality and to ensure that they cover the whole of the country.

The allocation of television services to the State, and the right of the latter to farm them out, is therefore not contrary to Articles 41 and 43 of the Constitution.

4. In regard to Article 21 of the Constitution, the problem in hand refers not so much to an alleged encroachment upon the freedom to form and express opinions as to the freedom to use any means of communication for this purpose. As Article 33, which protects the freedom of the arts and sciences, does not mention their dissemination, the latter is likewise governed by Article 21, which thus forms the basic issue before the Court.

5. But, in view of the fact that, as already explained, television services cannot be operated by all who so desire and have the necessary financial means, a system of free private initiative in this field would be to the advantage of a very small group of persons. In the light of this situation which is inherent in television, it is not contrary to the Constitution for a monopoly of this means of communication to devolve on the State; the medium itself necessarily leads to a monopoly—or at most an " oligopoly "—and the State is, by definition, in the best position to operate it in circumstances most likely to reconcile the natural limitations of the medium with the Constitutional principle of freedom of speech for all.

6. It follows by implication from the foregoing that it is for the State, as the exclusive operator of a medium of communication, to make it accessible to all who wish to avail themselves of it to express their thoughts, within the limits imposed by technical and operating exigencies. Hence there is a need for legislation to govern such access and to ensure that permission to use the service in question will be granted impartially. But the Court, which was called upon solely to pronounce on the constitutionality or otherwise of Sections 1 and 168 (5) of the Postal Code, was not required to express an opinion on the subject of such legislation.

(We hope to publish in the next number an article dealing in full with this important decision.)

BOOK REVIEWS

Aktuelles Filmrecht, II. Monographs of the *Archiv für Urheber-, Film, Funk- und Theaterrecht* (UFITA), No. 15. Verlag für angewandte Wissenschaften, Baden-Baden, 1959.

Georg Roeber, LL.D., the editor of this collection of monographs, is not only the spiritual heir and worthy successor of the late Willy Hoffmann as the head of UFITA; he is also the founder of the *Institut für Filmrecht* in Munich and its chairman. This Institute holds plenary sessions to which it invites persons who are interested in the academic and topical aspects of cinematographic problems. The lectures delivered at these meetings are subsequently published in book form. The first collection is No. 11 in the UFITA series of monographs, which I reviewed for the readers of the *EBU Review* in the February 1959 issue (No. 53 B). A further volume just off the press contains the papers read at the second plenary session (Hamburg, 23rd-25th April 1959) [1].

The first paper, by Professor Kurt Bussmann, is entitled "Rechtsprobleme beim Film und Fernsehen". It has been published in translation in the *EBU Review*, No. 56 B of July 1959, where readers will have had an opportunity to appreciate the author's erudition, documentation and soundly realistic approach. Another very substantial report, by Mr. Horst von Hartlieb, a barrister, deals with the Fundamental Law (i.e. Constitution) of the Federal Republic and film censorship (which is forbidden in that country as an official institution with preventive powers, though this does not preclude the setting up of a review committee by the film industry itself). Professor Philipp Möhring and Mr. Otfried Lieberknecht, a barrister, analyse the law on cartels and the law of copyright and their incidence on one another, and demonstrate that copyright collecting societies are not cartels within the meaning of German law. Mr. Gerhard Müller, a senior judge of the Federal Labour Tribunal, breaks a lance in favour of film stars, to whom he would not like the provisions relating to labour contracts to be systematically applied. Federal Judge Albert Spengler describes the position of motion pictures in the European Economic Community. In a preface which ably welds the book together, Professor Hans Carl Nipperdey recalls that nowadays motion pictures, along with sound broadcasting and television, have assumed the role of the printing press at the end of the Middle Ages, when technology began to overthrow the ancestral customs that governed the communication of intellectual works to the public. Motion pictures in particular have an explosive effect, bursting through the traditional framework of copyright based on an individualistic conception of literary and artistic authorship. With them a new category *sui generis* of collective works is born, and one for which the law will, in my opinion at least, have to work out appropriate systems of control, either by legislative process or preferably by the established practice of the courts. Mr. Roeber's Institute is doing meritorious work towards this end.

Although the contributions in the slim volume under review relate primarily to the Federal Republic of Germany, it should be mentioned that one of them, from the pen of Professor Alois Troller of Lucerne, is a study in comparative law, on the theme of the author's moral right and motion pictures. Professor Troller's paper is of great value on account of his wide grasp of law and practice in France, Italy, Sweden, Germany and the United States, and above all on account of the concentrated thought which is visible in his remarks and comments. I must confine myself to one or two reflections about which I am in two minds, and other points on which he has my complete approbation.

Our learned friend takes up the comparison often found in the textbooks (and made only recently again by Professor Ulmer in his *Urheber- und Verlagsrecht*, 2nd ed., p. 11) between the author of a work and the father of a child. Incidentally, Article 6 *bis* of the revised Berne Convention also speaks of the author's right to claim *la paternité* of the work, which implies recognition of spiritual fatherhood as vesting in the person of the author. Mr. Troller defines a work as an intellectual chattel, *eine geistige Sache*, which doubtless has close ties with the author but nevertheless is separate from him and which goes its own way. The metaphor of the child is thus taken a step further, to include the child who may become almost a stranger to his father (intellectually or otherwise). Hence the author and the work lead separate existences; the former may feel a tie of kinship with the latter, but nothing that happens to it can affect him directly *(unmittelbar)* once the work is finished and has been made public. Gierke was right, says Troller: a work is not a fragment of the author's self but a thing apart, to which its begetter remains attached by intellectual and pecuniary interests which are usually inseparable.

[1] The third plenary session was held in Berlin from 28th to 30th April 1960. The debate was particularly lively, especially on the report of Mr. Georg Schröder, a judge of the Federal Labour Tribunal, Kassel, who made out a case for a limitation of the directorial powers of the film maker as against the director and the main actors whose personality and artistic activity should be protected. The representative of the industry employed all his considerable gifts in upholding the thesis of the overriding authority of the film maker.

This is a fascinating theory, and it is right in a number of respects. I am, however, loath to subscribe to it completely. Troller cuts the umbilical cord between the author and the work, but is he justified in doing so? True enough, the work is, in a sense, the author's spiritual offspring as from the time when it sallies forth into the world in the form of copies or by intangible dissemination. This same child, however, is also the father himself; the substance of the child is that of the father, and the work is not capable of organic development in its own right, as is a child procreated in accordance with Nature's laws.

In a doctorate thesis [1] whose brevity in no wise detracts from its perspicuity, Mr. Peter Sutermeister, the distinguished Secretary of the Swiss National Fund for Scientific Research, shows that the intellectual and pecuniary interests of the author in his work are, basically, the interests of the author himself. The work is less the child of the author than one particular aspect of the author, whereas the father-child relationship presupposes two personalities which are missing in the author-work relationship. The work is a manifestation of the author, and like the tone of voice, the gesture and the look in the eyes, it is sometimes the most faithful mirror of the personality, a revelation of the secret depths of the soul.

To these observations which few could deny, I should like to add one more remark. The modern conception of copyright (cf. the French Act of 11 March 1957, section 32, and the German *Ministerialentwurf* of May 1959, sections 36 and 37) recognise that in some circumstances the author is entitled to exercise a right of "second thoughts" or "*Widerruf*" as against the other contracting party. Such a right, in all logic, could only concern him himself in his work. Without flatly saying that Ulmer and Troller are wrong, one must methinks allow that Mr. Sutermeister is on the right track too when he stresses the essential identification of the author with his work. In other words, we have here a further proof that, as the French say, "comparaison n'est pas raison". The parallel with father and child corresponds to certain sides of the situation but not to all. Perhaps we should not seek after an analysis backed up with analogy and metaphor, but rather recall that copyright is an institution *sui generis* which does not fit easily into any of the traditional cubby-holes of legal lore when we try to put our finger on its complex realities.

On the other hand, Professor Troller's considerations on the process of cinematographic creation, a collective pursuit more effective in breadth than in depth, seem entirely to the point. The associates who collaborate to produce a film as joint authors must countenance modifications (i.e. cuts) in their contributions when there arises from these various elements the work which blends them together into a single unit. Hence the *droit moral* to protect the integrity of a work is somewhat abated and is not such an inalienable right as some would make it out to be. Troller is with Nipperdey in noting the upsetting influence of the cinematograph on accepted concepts and ideas. How will Mr. Sutermeister's assertion that author and work are one stand up to the test of motion pictures, which tempt me to think of an intellectual Irish stew? (This remark, by the way, is not meant to be derogatory.) I have just approved, in opposition to Professor Troller, a theory which I should now like to discard in so far as it covers cinematograph films, for it is evident that the various associates in a film do not identify themselves with the joint work so fully as does the individual author with an individual work. Thus, in the case of films, it would be well to soft-pedal the prerogatives deriving from the *droit moral*. In particular, it is important not to be bemused by the dogma of inviolability. If the author has consented to, or has had no good grounds to prevent, those alterations necessitated by the use of his contribution or his existing work (the filming of a novel, for instance), he has exercised and spent his moral right, unless of course the person responsible for the alterations is guilty of obvious and unforeseen abuses.

Generally speaking, Troller thinks that the *droit moral* in motion pictures is so much dead wood to be ruthlessly pruned away. But surely to do so would be to make an exception for a special class of works that bears on one of the two fundamental attributes of copyright? I confess that the remedy thus proposed for such adventitious excrescences strikes me as being rather drastic. *Est modus in rebus*. One may be punctilious about moral rights in differing degrees, according as the personality of the author is discernible to a greater or lesser extent in the work. Professor Troller has the great merit of drawing attention to the danger of applying the *droit moral* too rigidly to cinematographic works. He further counsels wisely against elaborating a body of film law at variance with ordinary copyright by dint of complicated rules and exceptions. Desirous of following this sage and skilful guide, I would not like to do away with all recourse to *droit moral* in the film industry, but merely would recommend the Roman golden rule of "*Rechtsklugheit*" (to use Professor Troller's apt, and perhaps original, expression), by means of which a balance can be preserved between the theoretical rightness of a principle and the legitimate needs of everyday life.

B. M.

[1] *Das Urheberrecht am Film*, Verlag für Recht und Gesellschaft A.G., Basle, 1955.

Pour toutes vos opérations de banque à Genève

SOCIÉTÉ DE BANQUE SUISSE

1872

Capital et réserves Fr. 303 millions

Siège de Genève: rue de la Confédération 2

Agences: Cornavin — Eaux-Vives
Plainpalais — Carouge — Servette
Centre International (Varembé 1-3)
CERN (Meyrin)

Nombreux bureaux de change. Celui de la **rue du Mont-Blanc 2** est ouvert tous les jours de 7 h. à 21 h. (été 22 h.)

— **« J'ai entendu à la radio... »**
— **« J'ai lu dans le JOURNAL DE GENÈVE»**

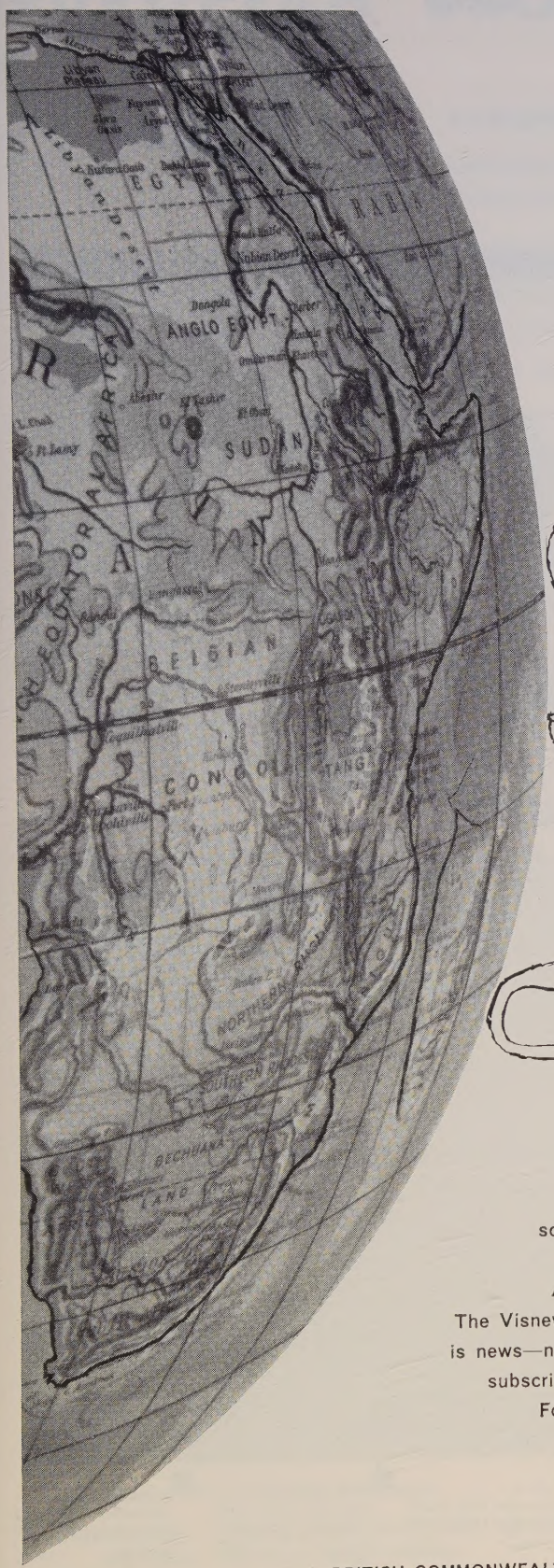
Deux phrases courantes, quotidiennes, qui prennent une valeur complémentaire dans la période de relations internationales troublées que nous vivons.

La radio vous dit d'heure en heure ce qui se passe; une fois par jour, le Journal de Genève vous dit pourquoi.

JOURNAL DE GENÈVE

QUOTIDIEN FONDÉ EN 1826 DIRECTEUR GÉNÉRAL: RENÉ PAYOT

Sa tradition de politique étrangère, son autorité en politique suisse, sa compétence en matières économiques et financières font du JOURNAL DE GENÈVE le conseiller éprouvé de l'homme moderne.



the world at your fingertips

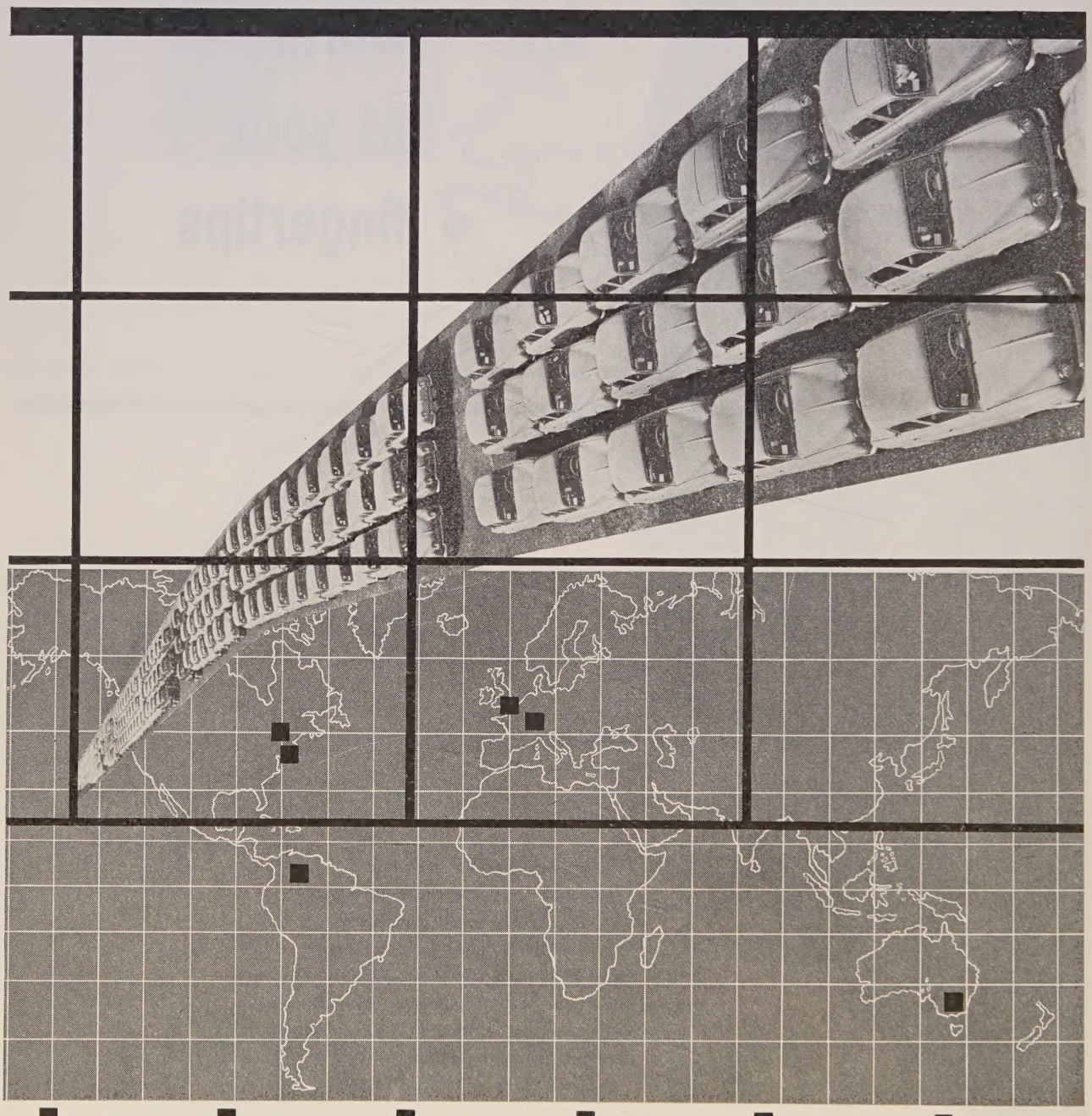
Somewhere in the world
something is happening NOW which
will hit tomorrow's headlines.
A VISNEWS cameraman is there.
The Visnews organisation is world wide—its business
is news—news for your programme. Newsfilm reaches
subscribers as fast as modern transport travels.
For the Newsfilm Service you cannot
afford to be without, write to:

BRITISH COMMONWEALTH INTERNATIONAL
NEWSFILM AGENCY,
SCHOOL ROAD, LONDON, N.W.10.
ENGLAND.

VISNEWS
BY BCINA

Fantastic figures

RENAULT Dauphine



Canada
Deliveries 1957 240
Deliveries 1958 6570
Increase 2637%

Venezuela
Deliveries 1957 989
Deliveries 1958 2609
Increase 154%

Germany
Deliveries 1957 4789
Deliveries 1958 10432
Increase 107%

U. S. A.
Deliveries 1957 33797
Deliveries 1958 61900
Increase 83%

Great Britain
Deliveries 1957 2726
Deliveries 1958 4258
Increase 56%

Australia
Deliveries 1957 1159
Deliveries 1958 2716
Increase 134%

Thirty-two months after the Renault-Dauphine was launched on the world's roads, the 500 000th vehicle, «running as on rails», left the works at Flins. Half a million cars sold in 2½ years—an unheard-of success achieved solely through confidence in the name of Renault!

Throughout the world the sales curve continues to rise steeply, irresistibly, supported by the enthusiasm of Dauphine drivers...

AUTOMOBILES RENAULT

7, Boulevard de la Cluse, Geneva, phone 022/261340
3, Ankerstrasse, Zurich, Switzerland, phone 051/272721

EUROPEAN BROADCASTING UNION

ADMINISTRATIVE OFFICE

Directorate: Centre International, 1, rue de Varembé, Geneva, Switzerland
Telephone: 33 74 60 - Telegrams: Uniradio Geneva - Telex: 22 230 Geneva

TECHNICAL CENTRE

Directorate: 32, avenue Albert Lancaster, Brussels - Telephone: 74 58 30
Telegraphic address: Uniradio Brussels - Telex: 02 230 Brussels

Receiving and Measuring Station - Jurbise-Masnuy (Hainaut), Belgium

International Television Coordination Centre (Eurovision)
Palais de Justice, Brussels, Belgium

(All correspondence should be addressed to the Directorate)

E.B.U. MEMBERS

Active Members

Austria — Österreichischer Rundfunk Ges.m.b.H.

Belgium — Radiodiffusion-Télévision Belge

Denmark — Danmarks Radio

Finland — Oy. Yleisradio Ab.

France — Radiodiffusion-Télévision Française

Germany (Federal Republic) — Arbeitsgemeinschaft der Öffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (A.R.D.) comprising:
- Bayerischer Rundfunk
- Hessischer Rundfunk
- Norddeutscher Rundfunk
- Radio Bremen
- Saarländischer Rundfunk
- Sender Freies Berlin
- Süddeutscher Rundfunk
- Südwestfunk
- Westdeutscher Rundfunk

Greece — Hellenic National Broadcasting Institute

Iceland — Rikisutvarpid

Ireland — Radio Eireann

Israel — Israel Broadcasting Service

Italy — RAI - Radiotelevisione Italiana

Lebanon — Service de Radiodiffusion de la République Libanaise

Luxembourg — Compagnie Luxembourgeoise de Télédiffusion

Monaco — Radio Monte-Carlo

Morocco — Radiodiffusion Marocaine

Netherlands — Nederlandse Radio-Unie, comprising:
- Algemene Vereniging Radio-Omroep
- Nederlandse Christelijke Radio Vereniging
- Omroepvereniging VARA
- Stichting Katholieke Radio-Omroep
- Vrijzinnig Protestantse Radio-Omroep

Norway — Norsk Rikskringkasting

Portugal — Emissora Nacional de Radiodifusão RTP - Radiotelevisão Portuguesa

Spain — Dirección General de Radiodifusión y Televisión

Sweden — Sveriges Radio

Switzerland — Société Suisse de Radiodiffusion

Tunisia — Radiodiffusion-Télévision Tunisienne

Turkey — Directorate-General for the Press

United Kingdom — British Broadcasting Corporation Independent Television Authority and Independent Television Companies Association Ltd.

Vatican State — Vatican Broadcasting Service

Yugoslavia — Jugoslovenska Radiodifuzija

Associate Members

Australia — Australian Broadcasting Commission

Belgian Congo — Radio Congo Belge

Burma — Burma Broadcasting Service

Canada — Canadian Broadcasting Corporation

Ceylon — Radio Ceylon

Ghana — Ghana Broadcasting System

Haïti — Service des Télégraphes, Téléphones et Radiocommunications de la République d'Haïti

Japan — Nippon Hoso Kyokai

New Zealand — New Zealand Broadcasting Service

Union of South Africa — South African Broadcasting Corporation

United States — American Broadcasting Company
- Broadcasting Foundation of America
- Columbia Broadcasting System, Inc.
- National Association of Educational Broadcasters
- National Broadcasting Company, Inc.
- National Educational Television and Radio Center
- US Information Agency

Imprimerie du « Journal de Genève »

E. B. U. Review
Part B - General and Legal

Price: 3 Swiss francs